

**ORDINANCE #65695  
Board Bill No. 268**

An ordinance approving a Redevelopment Plan for the 3926-40 West Belle Place Redevelopment Area ("Area") after finding that the Area is blighted as defined in Section 99.320 of the Revised Statutes of Missouri, 1994, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive), containing a description of the boundaries of said Area in the City of St. Louis ("City"), attached hereto and incorporated herein as Exhibit "A", finding that redevelopment and rehabilitation of the Area is in the interest of the public health, safety, morals and general welfare of the people of the City; approving the Plan dated August 27, 2002, for the Area ("Plan"), incorporated herein by attached Exhibit "B", pursuant to Section 99.430; finding that there is a feasible financial plan for the development of the Area which affords maximum opportunity for development of the Area by private enterprise; finding that no property in the Area may be acquired by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") through the exercise of eminent domain; finding that the property within the Area is unoccupied but if it should become occupied the Redeveloper shall be responsible for relocating any eligible occupants displaced as a result of implementation of the Plan; finding that financial aid may be necessary to enable the Area to be redeveloped in accordance with the Plan; finding that there shall be available ten (10) year real estate tax abatement; and pledging cooperation of the Board of Aldermen and requesting various officials, departments, boards and agencies of the City to cooperate and to exercise their respective powers in a manner consistent with the Plan.

**WHEREAS**, by reason of predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, there exist conditions which endanger life or property by fire or other causes and constitute an economic or social liability or a menace to the public health, safety, morals or welfare in the present condition and use of the Area, said Area being more fully described in Exhibit "A"; and

**WHEREAS**, such conditions are beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by ordinary private enterprise without the aids provided in the Statute; and

**WHEREAS**, there is a need for the LCRA, a public body corporate and politic created under Missouri law, to undertake the development of the above described Area as a land clearance project under said Statute, pursuant to plans by or presented to the LCRA under Section 99.430.1 (4); and

**WHEREAS**, the LCRA has recommended such a plan to the Planning Commission of the City of St. Louis ("Planning Commission") and to this St. Louis Board of Aldermen ("Board"), titled "Blighting Study and Plan for the 3926-40 West Belle Place Redevelopment Area", dated August 27, 2002, consisting of a Title Page, a Table of Contents Page, and thirteen (13) numbered pages, attached hereto and incorporated herein as Exhibit "B" ("Plan"); and

**WHEREAS**, under the provisions of the Statute, and of the federal financial assistance statutes, it is required that this Board take such actions as may be required to approve the Plan; and

**WHEREAS**, it is desirable and in the public interest that a public body, the LCRA, undertake and administer the Plan in the Area; and

**WHEREAS**, the LCRA and the Planning Commission have made and presented to this Board the studies and statements required to be made and submitted by Section 99.430 and this Board has been fully apprised by the LCRA and Planning Commission of the facts and is fully aware of the conditions in the Area; and

**WHEREAS**, the Plan has been presented and recommended by LCRA and the Planning Commission to this Board for review and approval; and

**WHEREAS**, a general plan has been prepared and is recognized and used as a guide for the general development of the City and the Planning Commission has advised this Board that the Plan conforms to said general plan; and

**WHEREAS**, this Board has duly considered the reports, recommendations and certifications of the LCRA and the Planning Commission; and

**WHEREAS**, the Plan does prescribe land use and street and traffic patterns which may require, among other things, the vacation of public rights-of-way, the establishment of new street and sidewalk patterns or other public actions; and

**WHEREAS**, this Board is cognizant of the conditions which are imposed on the undertaking and carrying out of a redevelopment project, including those relating to prohibitions against discrimination because of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap; and

**WHEREAS**, in accordance with the requirements of Section 99.430 of the Statute, this Board advertised that a public hearing would be held by this Board on the Plan, and said hearing was held at the time and place designated in said advertising and all those who were interested in being heard were given a reasonable opportunity to express their views; and

**WHEREAS**, it is necessary that this Board take appropriate official action respecting the approval of the Plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** There exists within the City of St. Louis ("City") a blighted area, as defined by Section 99.320 of the Revised Statutes of Missouri, 1994, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive) described in Exhibit "A", attached hereto and incorporated herein, known as the 3926-40 West Belle Place Redevelopment Area ("Area").

**SECTION TWO.** The redevelopment of the above described Area, as provided by the Statute, is necessary and in the public interest, and is in the interest of the public health, safety, morals and general welfare of the people of the City.

**SECTION THREE.** The Area qualifies as a redevelopment area in need of redevelopment under the provision of the Statute, and the Area is blighted as defined in Section 99.320 of the Statute.

**SECTION FOUR.** The Blighting Study and Plan for the Area, dated August 27, 2002 ("Plan") having been duly reviewed and considered, is hereby approved and incorporated herein by reference, and the President or Clerk of this St. Louis Board of Aldermen ("Board") is hereby directed to file a copy of said Plan with the Minutes of this meeting.

**SECTION FIVE.** The Plan for the Area is feasible and conforms to the general plan for the City.

**SECTION SIX.** The financial aid provided and to be provided for financial assistance pertaining to the Area is necessary to enable the redevelopment activities to be undertaken in accordance with the Plan for the Area, and the proposed financing plan for the Area is feasible.

**SECTION SEVEN.** The Plan for the Area will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the Area by private enterprise, and private developments to be sought pursuant to the requirements of the Statute.

**SECTION EIGHT.** The Plan for the Area provides that the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") may acquire no property in the Area by the exercise of eminent domain.

**SECTION NINE.** The property within the Area is unoccupied. If it should become occupied, all eligible occupants displaced by the Redeveloper ("Redeveloper" being defined in Section Twelve, below) shall be given relocation assistance by the Redeveloper at its expense, in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

**SECTION TEN.** The Plan for the Area gives due consideration to the provision of adequate public facilities.

**SECTION ELEVEN.** In order to implement and facilitate the effectuation of the Plan hereby approved it is found and determined that certain official actions must be taken by this Board and accordingly this Board hereby:

- (a) Pledges its cooperation in helping to carry out the Plan;
- (b) Requests the various officials, departments, boards and agencies of the City, which have administrative responsibilities, likewise to cooperate to such end and to execute their respective functions and powers in a manner consistent with the Plan; and
- (c) Stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Plan.

**SECTION TWELVE.** All parties participating as owners or purchasers of property in the Area for redevelopment ("Redeveloper") shall agree for themselves and their heirs, successors and assigns that they shall not discriminate on the basis of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap in the sale, lease, or rental of any property or improvements erected or to be erected in the Area or any part thereof and those covenants shall run with the land, shall remain in effect without limitation of time, shall be made part of every contract for sale, lease, or rental of property to which Redeveloper is a party, and shall be enforceable by the LCRA, the City and the United States of America.

**SECTION THIRTEEN.** In all contracts with private and public parties for redevelopment of any portion of the Area, all Redevelopers shall agree:

- (a) To use the property in accordance with the provisions of the Plan, and be bound by the conditions and procedures set forth therein and in this Ordinance;
- (b) That in undertaking construction under the agreement with the LCRA and the Plan, bona fide Minority Business Enterprises ("MBE's") and Women's Business Enterprises ("WBE's") will be solicited and fairly considered for contracts, subcontracts and purchase orders;
- (c) To be bound by the conditions and procedures regarding the utilization of MBE's and WBE's established by the City;
- (d) To adhere to the requirements of the Executive Order of the Mayor of the City, dated July 24, 1997.
- (e) To comply with the requirements of Ordinance No. 60275 of the City;

(f) To cooperate with those programs and methods supplied by the City with the purpose of accomplishing, pursuant to this paragraph, minority and women subcontractors and material supplier participation in the construction under this Agreement. The Redeveloper will report semi-annually during the construction period the results of its endeavors under this paragraph, to the Office of the Mayor and the President of this Board; and

(g) That the language of this Section Thirteen shall be included in its general construction contract and other construction contracts let directly by Redeveloper.

The term MBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by minority group members who have at least fifty-one percent (51%) ownership. The minority group member(s) must have operational and management control, interest in capital and earnings commensurate with their percentage of ownership. The term Minority Group Member(s) shall mean persons legally residing in the United States who are Black, Hispanic, Native American (American Indian, Eskimo, Aleut or Native Hawaiian), Asian Pacific American (persons with origins from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, U.S. Trust Territory of the Pacific Islands, Laos, Cambodia or Taiwan) or Asian Indian American (persons with origins from India, Pakistan or Bangladesh). The term WBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by a woman or women who have at least fifty-one percent (51%) ownership. The woman or women must have operational and managerial control, interest in capital and earnings commensurate with their percentage of ownership. The term "Redeveloper" as used in this Section shall include its successors in interest and assigns.

**SECTION FOURTEEN.** The Redeveloper may seek ten (10) year tax abatement pursuant to Sections 99.700 - 99.715, Revised Statutes of Missouri, 1994, as amended, upon application as provided therein. Such real estate tax abatement shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District or any other similar local taxing district created in accordance with Missouri law, whether now existing or later created. In lieu of the ten (10) year abatement outlined above, a redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement, which shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other single local taxing district created in accordance with Missouri law, whether now existing or later created, for a total period of up to ten (10) years from the commencement of such tax abatement, in accordance with the following provisions of the Plan:

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for the first ten (10) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for the same ten (10) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. If property shall be tax-exempt because it is owned by the LCRA and leased to any such corporation, then such corporation for the first ten (10) years of such lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year preceding the calendar year during which such corporation shall lease such property.

All payments in lieu of taxes shall be a lien upon the property and, when paid to the Collector of Revenue of the City shall be distributed as all other property taxes. These partial tax relief and payment in lieu of taxes provisions, during up to said ten (10) year period, shall inure to the benefit of all successors in interest in the property of the redevelopment corporation, so long as such successors shall continue to use such property as provided in this Plan and in any contract with the LCRA. In no event shall such benefits extend beyond ten (10) years after the redevelopment corporation shall have acquired title to the property.

**SECTION FIFTEEN.** Any proposed modification which will substantially change the Plan must be approved by the St. Louis Board of Aldermen in the same manner as the Plan was first approved. Modifications which will substantially change the Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the Area, or to other items which alter the nature or intent of the Plan. The Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA, provided that such revisions shall be effective only upon the consent of the Planning Commission of the City. Changes which are not substantial are those that do not go to the crux of the Plan.

**SECTION SIXTEEN.** The sections of this Ordinance shall be severable. In the event that any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections of this Ordinance are valid, unless the court finds the valid sections of the Ordinance are so essential and inseparably connected with and dependent upon the void section that it cannot be presumed that this Board would have enacted the valid sections without the void ones, or unless the court finds that the valid sections standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

**EXHIBIT "A"**

**THE 3926-40 WEST BELLE PLACE AREA  
LEGAL DESCRIPTION**

Parcels 1 through 7 being all of lots 6 thru 8 and the west part of lot 5 and the east part of lot 9 on Shamburg Place as recorded in City Block 3754 of the City of St. Louis Records and being more particularly described as follows: Beginning at an iron pipe on the

south right of way line of West Bell Place (75 ft. wide) also being a point which bears south 80 degrees 00 minutes 00 seconds east (assumed bearing) a distance of 35 ft. from the northwest corner of lot 5 of said city block; thence leaving said right of way line south 10 degrees 00 minutes 00 seconds west 155 ft. to an iron pipe on the north line of an alley (20 ft. wide); thence along the south line of said lots 6 thru 9 north 80 degrees 00 minutes, 00 seconds west 189.29 ft. to an iron pipe; thence leaving the north line of said alley, north 10 degrees 00 minutes, 00 seconds 155 ft. to an iron pipe on the south line of said West Belle Place; thence along said south line with the Assumed Bearing of South 80 degrees 00 minutes 00 seconds east 189.29 ft. to the point of beginning, consisting of 29,339 square feet more or less. (3754-00-02600 & others)

**EXHIBIT "B"**  
**Form: 8/12/02**

BLIGHTING STUDY AND PLAN  
FOR  
**THE 3926-40 WEST BELLE PLACE AREA**  
PROJECT #9442  
LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY  
OF THE CITY OF ST. LOUIS  
AUGUST 27, 2002

MAYOR  
FRANCIS G. SLAY

**BLIGHTING STUDY AND PLAN FOR  
THE 3926-40 WEST BELLE PLACE AREA**

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## EXHIBITS

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"D"	ACQUISITION MAP
"E"	EQUAL OPPORTUNITY AND NON-DISCRIMINATION GUIDELINES

### A. EXISTING CONDITIONS AND FINDINGS OF BLIGHT

#### 1. DELINEATION OF BOUNDARIES

The 3926-40 West Belle Place Redevelopment Area ("Area") consists of four vacant residential lots and one single-family residential building in poor condition on land totalling approximately .67 acre in the Vandeventer Neighborhood of the City of St. Louis ("City"). The property is in the block bounded by N. Vandeventer Avenue on the east, West Belle Place on the north, Enright Avenue on the south, and N. Sarah Street on the west.

The legal description for the area is attached and labeled Exhibit "A". The boundaries of the Area are delineated on Exhibit "B" ("Project Area Plan").

#### 2. GENERAL CONDITION OF THE AREA

The Area comprises part of City Block 3754 and is in poor condition. The physical conditions within the Area are shown on Exhibit "B" (Project Area Plan). For the purpose of this Plan, "Fair Condition" means (1) property that is generally structurally sound but suffers from inadequate maintenance and upkeep, or (2) vacant unimproved property that is under-utilized. "Poor Condition" means (1) buildings that are structurally unsound and/or substantially deteriorated, requiring major improvements such as new roofs, windows, systems, etc., in order to be used productively, or (2) property without buildings which is poorly maintained, has crumbling pavement, and/or is used for open storage.

Unemployment figures, computed by the Missouri State Employment Service, indicate a 8.6% unemployment rate for the City as of March, 2002. It is estimated that this rate is prevalent for residents of the neighborhoods surrounding the Area. There are currently no jobs within the Area.

#### 3. PRESENT LAND USE OF THE AREA

Existing land uses within the area include one unoccupied single-family dwelling in poor condition and vacant land.

The land use, including the location of public and private uses, streets and other rights-of-way is shown on Exhibit "B".

#### 4. PRESENT LAND USE AND DENSITY OF SURROUNDING PROPERTIES

The properties surrounding the Area are mostly residential. Residential density for the surrounding neighborhoods is approximately 7.28 persons per acre.

#### 5. CURRENT ZONING

The Area is zoned "C" Multiple-Family Dwelling District pursuant to the Zoning Code of the City, which is incorporated in this Plan by reference.

#### 6. FINDING OF BLIGHT

The property within the Area is unoccupied and in poor condition (as defined in Section A(2) above). The

existence of deteriorated property constitutes both an economic liability to the City of St. Louis and presents a hazard to the health and well-being of its citizens. These conditions, therefore, qualify the Area as blighted within the meaning of Section 99.300 et seq. of the Revised Statutes of Missouri (the Land Clearance for Redevelopment Authority Law).

## **B. PROPOSED DEVELOPMENT AND REGULATIONS**

### **1. DEVELOPMENT OBJECTIVES**

The primary objective of this Plan is to facilitate the residential redevelopment of these vacant lots and deteriorated dwelling

### **2. PROPOSED LAND USE OF THE AREA**

The proposed land uses for the Area are residential uses permitted in Areas designated "C" Multiple-Family Dwelling by the City of St. Louis Zoning Code. Redevelopers contracting with the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") to develop property in the Area (hereafter referred to as "Redeveloper") shall not be permitted to use said property for any use not allowed in the "C" Multiple-Family Dwelling District. Exhibit "C" (Proposed Land Use) shows the proposed uses for the Area.

### **3. PROPOSED ZONING**

The zoning for the Area can remain "C" Multiple-Family Dwelling District. All land coverage and building intensities shall be governed thereby.

### **4. RELATIONSHIP TO LOCAL OBJECTIVES**

The proposed land uses, zoning, public facilities and utility plans are appropriate and consistent with local objectives as defined by the General Plan of the City of St. Louis which includes the "Comprehensive City Plan" (1947), the "St. Louis Development Program" (1973), and the "Economic Development Strategy" (1978). Any specific proposal to the LCRA for development of the Area or any portion of the Area shall contain, among other things, adequate provisions for traffic, vehicular parking, safety from fire, adequate provisions for light and air, sound design and arrangement and improved employment opportunities.

### **5. PROPOSED EMPLOYMENT FOR THIS AREA**

No permanent new jobs will be created if the Area is developed in accordance with this Plan.

### **6. CIRCULATION**

The Proposed Land Use Plan (Exhibit "C") indicates the proposed circulation system for the Area. The layouts, levels and grades of all public rights-of-way may remain unchanged.

Rights-of-way changes will be subject to the review and approval of the City Department of Streets, and all vacations of rights-of-way are subject to approval by ordinance.

### **7. BUILDING AND SITE REGULATIONS**

The Area shall be subject to all applicable federal, state and local laws, ordinances, regulations and codes, including but not limited to, the City Building Code, Zoning District Regulations, and stipulations of the Planning and Urban Design Agency ("PDA") of the City. The population densities, land coverage, and building intensities of redevelopment shall be governed by the Zoning Code. No changes in the building codes or ordinances are required.

### **8. URBAN DESIGN**

#### **a. Urban Design Objectives**

Any new construction shall be an attractive residential structure within the surrounding neighborhood.

#### **b. Urban Design Regulations**

Any new construction shall respect surrounding exteriors in terms of design and materials. Window and door shapes and detailing shall be compatible with the design of surrounding buildings.

#### **c. Landscaping**

The property shall be well landscaped. Perimeter street trees of a minimum caliper of 2-1/2 inches and

generally 30-35 feet on center, depending upon tree type, utilities, curb cuts, etc., shall be provided along all public or private streets - preferably in tree lawns along the curb. If necessary, sidewalks shall be notched to accommodate the trees. Ornamental or shade trees should be provided in the front lawns along with evergreen accent shrubs. Existing, non-scrub trees shall be retained.

9. PARKING REGULATIONS

Parking shall be provided in accordance with the applicable zoning and building code requirements of the City, including PDA standards. This will provide adequate vehicular parking for the Area.

When feasible, parking shall be limited to the rear of the property off the alley, and at least one space shall be provided for each residential unit. In addition, surface parking shall not extend beyond the established building line. Surface parking along public streets shall be buffered by a continuous evergreen hedge at least two and one-half (2-1/2) feet high on planting and maintained at three and one-half (3-1/2) feet high at maturity.

10. SIGN REGULATIONS

All new signs shall be limited as set out in the City Code, PDA stipulations, this Plan and contracts between the LCRA and the Redeveloper. All new signs shall be restricted to standard sale/lease signs.

11. BUILDING, CONDITIONAL USE AND SIGN PERMITS

No building, conditional use, or sign permits shall be issued by the City without the prior written approval of the LCRA.

12. PUBLIC IMPROVEMENTS

No additional schools, parks, recreational and community facilities or other public facilities will be required. Additional water, sewage or other public utilities may be required depending on development. The cost of such utility improvements will be borne by the Redeveloper.

If funds are available to the LCRA, it may provide public improvements including, but not limited to, measures for the control of traffic, improvements to street lighting, street trees, and any other improvements which may further the objectives of this Plan.

When developed in accordance with this Plan, the Area will comprise a coordinated, adjusted and harmonious development that promotes the health, safety, morals, order, convenience, prosperity, the general welfare, efficiency and economy of the City.

**C. PROPOSED SCHEDULE OF DEVELOPMENT**

The implementation of this Plan shall take place in a single phase initiated within approximately one (1) year of approval of this plan by ordinance and completed within approximately two (2) years of approval of this Plan by ordinance.

The LCRA may alter the above schedule as economic conditions warrant.

**D. EXECUTION OF PROJECT**

1. ADMINISTRATION AND FINANCING

The LCRA is empowered by Missouri law to administer development of all types pursuant to this Plan and can do so to the extent and in the manner prescribed by the Land Clearance for Redevelopment Authority Law of Missouri.

All costs associated with the development of the Area will be borne by the Redeveloper.

Implementation of this Plan may be financed by funds obtained from private and/or public sources, including, without limitation, revenue bonds, bank loans, and equity funds provided by the Redeveloper.

2. PROPERTY ACQUISITION

The Property Acquisition Map, Exhibit "D" attached, identifies all the property located in the Area. The LCRA may not acquire any property in the Area by the exercise of eminent domain.

3. PROPERTY DISPOSITION

If the LCRA acquires property in the Area, it may sell or lease the property to a Redeveloper who shall agree to develop such property in accordance with this Plan and the contract between such Redeveloper and the LCRA.

Any property acquired by the LCRA and sold to a Redeveloper will be sold at not less than its fair value, taking into account and giving consideration to those factors enumerated in Section 99.450, R.S.Mo. (1994) as amended, for uses in accordance with this Plan.

4. RELOCATION ASSISTANCE

The property within the area is currently unoccupied. If it should become occupied, all eligible occupants displaced as a result of the implementation of the Plan shall be given relocation assistance in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

**E. COOPERATION OF THE CITY**

The City and its Board of Aldermen, by enacting an ordinance approving this Plan, pledges its cooperation to enable the project to be carried out in a timely manner and in accordance with this Plan.

**F. TAX ABATEMENT**

A Redeveloper may seek ten (10) year real estate tax abatement pursuant to Sections 99.700 -99.715, Revised Statutes of Missouri 1994, as amended, upon application as provided therein. Such real estate tax abatement shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other similar local taxing district created in accordance with Missouri law, whether now existing or later created

In lieu of the ten (10) year abatement outlined above, a Redeveloper which is an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement which shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other single local taxing district created in accordance with Missouri law, whether now existing or later created, for a total period of up to ten (10) years from the commencement of such tax abatement, in accordance with the following provisions of this Plan:

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for the first ten (10) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for the same ten (10) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. If property shall be tax-exempt because it is owned by the LCRA and leased to any such corporation, then such corporation for the first ten (10) years of such lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year preceding the calendar year during which such corporation shall lease such property.

All payments in lieu of taxes shall be a lien upon the property and, when paid to the Collector of Revenue of the City shall be distributed as all other property taxes. These partial tax relief and payment in lieu of taxes provisions, during up to said ten (10) year period, shall inure to the benefit of all successors in interest in the property of the redevelopment corporation, so long as such successors shall continue to use such property as provided in this Plan and in any contract with the LCRA. In no event shall such benefits extend beyond ten (10) years after the redevelopment corporation shall have acquired title to the property.

**G. COMPLIANCE WITH AFFIRMATIVE ACTION AND NONDISCRIMINATION LAWS AND REGULATIONS**

1. LAND USE

The Redeveloper shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the lease, sale or occupancy of the Area.

2. CONSTRUCTION AND OPERATIONS

A Redeveloper shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the construction and operation of any project in the Area and shall take such affirmative action as may be appropriate to afford opportunities to everyone in all activities of the project, including enforcement, contracting, operating and purchasing.

3. LAWS AND REGULATIONS

A Redeveloper shall comply with all applicable federal, state and local laws, ordinances, executive orders and regulations regarding nondiscrimination and affirmative action, including the "Equal Opportunity and Nondiscrimination Guidelines" in Exhibit "E", attached.



#### 4. ENFORCEMENT

All of the provisions of this Section G shall be incorporated in a Contract between the LCRA and a Redeveloper, which agreement shall be recorded in the office of the Recorder of Deeds. The provisions of G (1) and G (3) shall be covenants running with the land, without limitation as to time, and the provisions of G (2) shall be for the duration of this Plan and any extension thereof. All of the provisions of Section G shall be enforceable against the Redeveloper, its heirs, successors or assigns, by the LCRA, the City, any state having jurisdiction or the United States of America.

#### H. **MODIFICATIONS OF THIS PLAN**

Any proposed modification which will substantially change this Plan shall be approved by the St. Louis Board of Aldermen in the same manner as this Plan was first approved. Modifications which will substantially change this Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the area, or other items which alter the nature or intent of this plan.

This Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA, provided that such revisions shall be effective only upon the consent of the Planning Commission of the City. Changes which are not substantial are those that do not go to the crux of this Plan.

#### I. **DURATION OF REGULATION AND CONTROLS**

The regulation and controls set forth in this Plan shall be in full force and effect for twenty-five years commencing with the effective date of approval of this Plan by ordinance, and for additional ten (10) year periods unless before the commencement of any such ten (10) year period the Board of Aldermen shall terminate this Plan as of the end of the term then in effect, except as provided in Section G (4) of this Plan.

#### J. **EXHIBITS**

All attached exhibits are hereby incorporated by reference into this Plan and made a part hereof.

#### K. **SEVERABILITY**

The elements of this Plan satisfy all requirements of state and local laws. Should any provisions of this Plan be held invalid by a final determination of a court of law, the remainder of the provisions hereof shall not be affected thereby, and shall remain in full force and effect.

#### **EXHIBIT "A"**

##### **THE 3926-40 WEST BELLE PLACE AREA LEGAL DESCRIPTION**

Parcels 1 through 7 being all of lots 6 thru 8 and the west part of lot 5 and the east part of lot 9 on Shamburg Place as recorded in City Block 3754 of the City of St. Louis Records and being more particularly described as follows: Beginning at an iron pipe on the south right of way line of West Belle Place (75 ft. wide) also being a point which bears south 80 degrees 00 minutes 00 seconds east (assumed bearing) a distance of 35 ft. from the northwest corner of lot 5 of said city block; thence leaving said right of way line south 10 degrees 00 minutes 00 seconds west 155 ft. to an iron pipe on the north line of an alley (20 ft. wide); thence along the south line of said lots 6 thru 9 north 80 degrees 00 minutes, 00 seconds west 189.29 ft. to an iron pipe; thence leaving the north line of said alley, north 10 degrees 00 minutes, 00 seconds 155 ft. to an iron pipe on the south line of said West Belle Place; thence along said south line with the Assumed Bearing of South 80 degrees 00 minutes 00 seconds east 189.29 ft. to the point of beginning, consisting of 29,339 square feet more or less. **(3754-00-02600 & others)**

See attached Exhibits B, C & D

#### **EXHIBIT E FORM: 05/26/99**

#### **EQUAL OPPORTUNITY AND NONDISCRIMINATION GUIDELINES**

In any contract for work in connection with the redevelopment of any property in the Area, the Redeveloper (which term shall include Redeveloper, any designees, successors and assigns thereof, any entity formed to implement the project of which the Redeveloper is affiliated), its contractors and subcontractors shall comply with all federal, state and local laws, ordinances, or regulations governing equal opportunity and nondiscrimination (Laws). Moreover, the Redeveloper shall contractually require its contractors and subcontractors to comply with such laws.

The Redeveloper and its contractor will not contract or subcontract with any party known to have been found in violation of any such laws, ordinances, regulations or these guidelines.

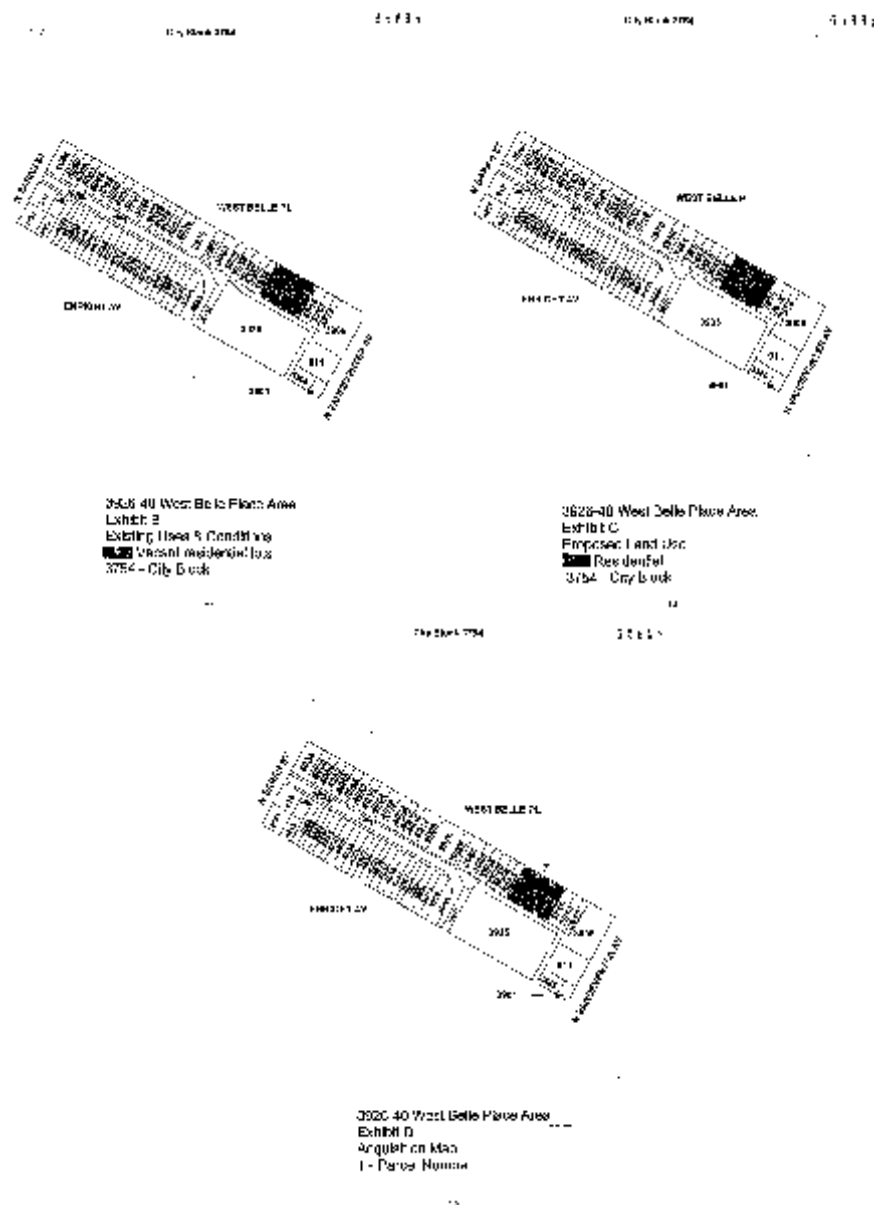
The Redeveloper shall fully comply with Executive Order #28 dated July 24, 1997 relating to minority and women-owned business participation in City contracts.

The Redeveloper agrees for itself and its successors and assigns, that there shall be covenants to ensure that there shall be no discrimination on the part of the Redeveloper, its successors or assigns upon the basis of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap in the sale, lease, rental use or occupancy of any property, or any improvements erected or to be erected in the Area or any part thereof, and those covenants shall run with the land and shall be enforceable by the LCRA, the City, and the United States of America, as their interests may appear in the project.

Redeveloper shall fully comply (and ensure compliance by "anchor tenants") with the provisions of St. Louis City Ordinance #60275 which is codified at Chapter 3.09 of the Revised Ordinances of the City of St. Louis.

**Approved: November 20, 2002**

# **ORDINANCE NO. 65695 - EXHIBITS B, C & D**



**ORDINANCE #65696**  
**Board Bill No. 240**

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel on the 15 foot wide north/south alley and the 15 foot wide east/west alley beginning 66 feet east of Newstead and continuing— 225 feet to a point in City Block 3613 same bounded by San Francisco Avenue, Clarence Avenue, Sacramento Avenue and Newstead Avenue in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE:** The public surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of:

A tract of land in Block 3613, of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at a point in the southern line of San Francisco Avenue, 60 feet wide, being distant north 60 degrees 46 minutes 57 seconds west 156.33 feet along said southern line from its intersection with the western line of Clarence Avenue, 60 feet wide, said point being also the northwestern corner of the 15 foot wide alley in said Block 3613 created by instrument recorded in Survey Book 19 page 33 of the City of St. Louis Records; thence southwardly along the western line of said alley south 29 degrees 15 minutes 53 seconds west 120.99 feet (survey) 120.16 feet (dedication) to the southwestern corner of said alley, being also a point in the northern line of the east/west alley in said Block 3613; thence westwardly along the northern line north 60 degrees 40 minutes 31 seconds west 210.00 feet to the southeastern corner of a tract now or formerly of Robert and Ginny Chan by deed recorded in Book 871 page 38 of the City of St. Louis Records; thence across said alley south 29 degrees 19 minutes 29 seconds west 15.00 feet to a point; thence eastwardly along the southern line of said alley south 60 degrees 40 minutes 31 seconds east 225.00 feet to a point; thence across said alley north 29 degrees 19 minutes 29 seconds east 15.00 feet to the southeastern corner of the aforementioned alley created by instrument recorded in Survey Book 19 page 33 of the City of St. Louis Records; thence northwardly along the eastern line of said alley north 29 degrees 15 minutes 53 seconds east 121.02 feet (survey) 120.16 feet (dedication) to the northeastern corner thereof being also a point in the aforementioned southern line of San Francisco Avenue, 60 feet wide; thence westwardly along said southern line north 60 degrees 46 minutes 57 seconds west 15.00 feet to the point of beginning and containing in all 5,189.85 square feet or 0.119 acres more or less.

are, upon the conditions hereinafter set out, vacated.

**SECTION TWO:** Kossuth Church of God in Christ will utilize alleys to expand its existing facilities and parking.

**SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated alleys, are reserved to the City of St. Louis for the public including present and future uses of utilities, governmental service entities and franchise holders, except such rights as are specifically abandoned or released herein.

**SECTION FOUR:** The owners of the land may, at their election and expense remove the surface pavement of said so vacated alleys provided however, all utilities within the rights-of-way shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

**SECTION FIVE:** The City, utilities, governmental service entities and franchise holders shall have the right and access to go upon the land and occupation hereof within the rights-of-way for purposes associated with the maintenance, construction or planning of existing or future facilities, being careful not to disrupt or disturb the owners interests more than is reasonably required.

**SECTION SIX:** The owners shall not place any improvement upon, over or in the land traversed by the rights-of-way without a lawful permit from the City and written consent of the utilities, governmental service entities and franchise holders, present or future; and such consent together with the terms and conditions thereof shall be filed in writing with the Board of Public Service and approved by such Board prior to the undertaking of any such construction concerning the rights-of-way.

**SECTION SEVEN:** The owners may secure the removal of all or any part of the facilities of a utility, governmental service entity or franchise holder by agreement in writing with such utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the undertaking of such removal.

**SECTION EIGHT:** In the event that granite curbing or cobblestones are removed within the vacated area, the Department of Streets of the City of St. Louis must be notified and it in turn will remove said curbing or cobblestones at the current removal price.

**SECTION NINE:** This ordinance shall be ineffective unless within sixty (60) days after its approval, or such longer time as is fixed by the Board of Public Service not to exceed one hundred twenty (120) days from approval or override, the owners of the land subservient to the rights-of-way concerned shall deposit a sum with the Comptroller of the City of St. Louis for the use and

benefit of the City Water Division estimated by said Division to be sufficient to cover the full expense of removal and relocation of Water facilities, if any; further, such owner or owners shall within said time deposit an additional sum of money with the Comptroller of the City of St. Louis for the use and benefit of the City Traffic and Transportation Division estimated by said Division to be sufficient to cover the full expense of removal of all lighting facilities, if any; upon such deposit being made to the benefit of the Water Division and the Traffic and Transportation Division, they shall proceed as is reasonably expedient to accomplish all work required and all useful access and occupation shall be accorded, further, such owner or owners shall within said time, deposit an additional sum with the Comptroller of the City of St. Louis estimated by the said Board as sufficient to defray the expenses required for the adjustment of the City's streets including curbs, sidewalks, driveways, roadway drainage connections and inlets, grading, paving sidewalks and roadways and road signage; provided further that said owners shall, under direction of the Director of Streets of the City of St. Louis, accomplish the aforesaid adjustments, at their own expense, but in the event said owners fail to accomplish such within allowable time, according to the direction of the Director, the Director shall cause the same to be performed and upon his certification of expenses, the Comptroller shall appropriate said deposit, or so much thereof as required to defray such expenses to the City or others; no claims or demands whatever arising out of such vacation or adjustment shall be made or prosecuted by owners, their heirs, successors or assigns; and the Comptroller after determining the total cost of the foregoing to the City shall return any unexpended part of said deposits to the owner or owners.

**SECTION TEN:** An affidavit stating that all of the conditions of this ordinance have been/will be fulfilled and/or complied with must be submitted to the Board of Public Service for acceptance 365 days (1 year) from the date of the signing and approval of this ordinance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

**Approved: November 20, 2002**

**ORDINANCE #65697  
Board Bill No. 246**

An ordinance amending Section One of Ordinance 65572, adopted on July 12, 2002, by changing the legal description of the north-south alley to be dedicated in City Block 5313 South; containing an emergency clause.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** Section One of Ordinance 65572 is hereby amended to read as follows:

There is hereby established a public alley fifteen (15) feet wide in City Block 5313-S more fully described as a Fifteen (15) feet wide strip of land being a part of Lot A of R. M. Field's Subdivision in United States Surveys 82, 83, 86, 88, 89 and 93 of Common Fields of Carondelet (Plat Book P; page 43 City of St. Louis Records) bounded on the south by the north line of Itaska Street, 60 feet wide, bounded on the north by the south line of Lot B of said subdivision, bounded on the east by west line of Petar Grgic (Deed Book 1073M; page 1821), being in block 5313 south of the City of St. Louis, Missouri, and more particularly described as follows:

Commencing at the southwest corner of said Lot A, said corner being at the intersection of north line of said Itaska Street with the east line of Gravois Avenue, 80 feet wide;

Thence along the said north line of Itaska Street eastwardly 15.00 feet to a point on the west line of said Grgic, said point being the true point of beginning of the strip of land herein described;

Thence proceeding along said west line of Petar Grgic northwardly 122.75 feet to said south line of Lot B (being also the north line of said Lot A);

Thence along said south line of Lot B westwardly 15.00 feet to a point distant 112.79 feet eastwardly of said east line of Gravois Avenue;

Thence along a line parallel to and a perpendicular distance of 15 feet westwardly of said west line of Petar Grgic southwardly 122.75 feet to said north line of Itaska Street;

Thence along said north line of Itaska Street eastwardly 15.00 feet to the point of beginning and containing 1,840 square feet or 0.0423 acres, more or less.

Such area being the same strip of land as the private alley recorded in deed book 4634; page 94 City of St. Louis Records.

**SECTION TWO.** Emergency clause.

This being an ordinance for the preservation of public peace, health, and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore shall become effective immediately upon its passage and approval by the mayor.

**Approved: November 20, 2002**

**ORDINANCE #65698  
Board Bill No. 248**

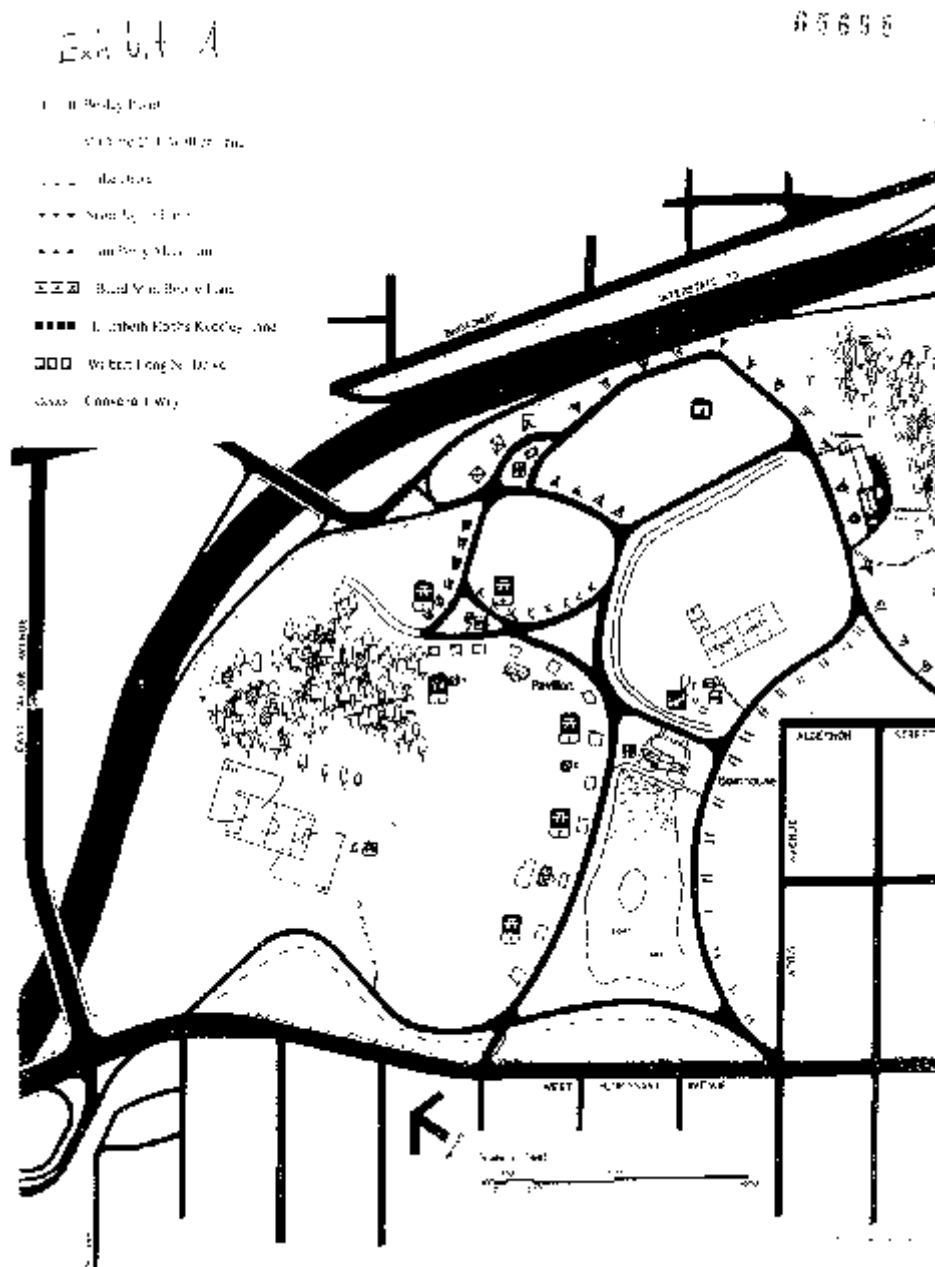
An ordinance naming certain streets located within O'Fallon Park and authorizing and directing the Director of Streets and the Director of Parks to take all necessary actions to properly designate such streets.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** The public streets located within O'Fallon Park shall hereafter be named as set forth in Exhibit A which is attached hereto and made part of this ordinance. The Director of Streets and the Director of Parks are authorized and directed to erect the appropriate street-name signs.

**Approved: November 20, 2002**

**ORDINANCE NO. 65698 - EXHIBIT A**



**ORDINANCE #65699  
Board Bill No. 266**

An ordinance authorizing and directing the Street Commissioner to take all necessary actions to honorarily designate Ridgewood Street as "Aboussie Place".

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** Pursuant to the provisions of Ordinance 65233, Ridgewood Street shall hereafter be honorarily designated as "Aboussie Place". The Director of Streets shall erect an honorary street-name sign on the north east corner at the intersection of Ridgewood Street and Itaska Street, which sign shall read "Aboussie Place".

**Approved: November 20, 2002**

**ORDINANCE #65700  
Board Bill No. 110**

An ordinance pertaining to noise; amending Section One of Ordinance 50038, approved on June 24, 1960, by adding a new paragraph regarding the operation of any radio, phonograph, loud speaker, sound amplifier, or other machine or device for the producing or reproducing of sound within the area bounded by the Martin Luther King Bridge on the north, the Eads Bridge on the south, the Mississippi River on the east and Memorial Drive on the west between the hours of 12 midnight and seven a.m. every Tuesday through Friday and between the hours of 1:00 a.m. and 7:00 a.m. every Saturday, Sunday and Monday and containing an emergency clause.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** Section One of Ordinance 50038, as codified in Section 15.50.030 of the Revised Code, is hereby amended to read as follows:

15.50.030 Radios, phonographs and sound equipment.

- A. No person shall use, operate, or permit to be used or operated any radio, phonograph, loud speaker, sound amplifier, or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet, comfort or repose of the neighboring inhabitants. Nor shall any person use, operate, or permit to be used or operated a radio, phonograph, loud speaker, sound amplifier, or other machine or device for the producing or reproducing of sound at any time with louder volume than is necessary for convenient, normal hearing for the person or persons who are in the room, vehicle or chamber in which the machine or device is being used or operated and who are voluntary listeners.
- B. The operation of any radio, phonograph, loud speaker, sound amplifier, or other machine or device for the producing or reproducing of sound between the hours of eleven p.m. and seven a.m. in a manner as to be plainly audible at a distance of more than one hundred feet from such machine or device shall be excessive and shall be prima facie evidence of a violation of this section.
- C. Notwithstanding the provisions of paragraph B of this ordinance, the operation of any radio, phonograph, loud speaker, sound amplifier, or other machine or device for the producing or reproducing of sound within the area bounded by the Martin Luther King Bridge on the north, the Eads Bridge on the south, the Mississippi River on the east and Memorial Drive on the west between the hours of 12 midnight and seven a.m. every Tuesday through Friday and between the hours of 1:00 a.m. and 7:00 a.m. every Saturday, Sunday and Monday in a manner as to be plainly audible at a distance of more than one hundred feet from the building line of the property from which such sound is emanating shall be excessive and shall be prima facie evidence of a violation of this ordinance.

**SECTION TWO** Emergency clause.

This being an ordinance for the preservation of public peace, health, and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore shall become effective immediately upon its passage and approval by the mayor.

**Approved: December 2, 2002**

**ORDINANCE #65701**  
**Board Bill No. 279**  
**Committee Substitute**

An ordinance adopting regulations for the operation of Hospital/Medical/Infectious Waste Incinerators (HMIWIs) within the City of St. Louis containing definitions, a penalty clause, a severability clause, and an emergency clause.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** Policy Statement.

It is hereby declared to be the public policy of the City of St. Louis, for the Department of Health, that because Hospital/Medical/Infectious Waste Incinerators are a source of a number of hazardous pollutants, including mercury and dioxins, to ensure the safe and effective operation of such incinerators and to provide adequate information related to their operation to the public.

**SECTION TWO.** Adoption.

This Ordinance addressing Hospital/Medical/Infectious Waste Incinerators is in addition to the provisions of Ordinance 65645 and Ordinance 64749.

**SECTION THREE.** Name.

This Ordinance shall be known and may be cited as the City of St. Louis Medical Waste Incinerator Ordinance.

**SECTION FOUR.** Definitions.

Definitions for key words used in this Ordinance may be found in St. Louis City Revised Code Sections 11.34.060 and 11.34.170, as amended, and in State Rules 10 CSR 10-6.020(2) and 10 CSR 10-6.200(2). Additional definitions specific to this Ordinance are as follows:

- a. "Board" means the Board of Air Pollution Control Appeals and Variance Review.
- b. "Commissioner" means the Health Commissioner for the City of St. Louis.
- c. "Continuous emission monitoring system," or "CEMS" means the total equipment used to continuously sample, analyze, and provide a record of emissions.
- d. "Continuous opacity monitoring system," or "COMS" means a continuous monitoring system that measures the opacity of emissions.
- e. "Malfunction" means any sudden, infrequent, and not preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal and usual manner. During periods of malfunction, the operator shall operate within established parameters as much as possible, and monitoring of all applicable operating parameters shall continue until all waste has been combusted or until the malfunction ceases, whichever comes first. Failure of air pollution control equipment, process equipment, or processes due to power failure shall not be deemed a malfunction unless an emergency power generator is utilized within sixty (60) seconds of initial power failure.

**SECTION FIVE.** Application of Regulations.

- (a) The provisions of this Ordinance shall apply to all HMIWIs in St. Louis, Missouri, except HMIWIs used exclusively for the cremation of human and animal bodies and body parts.
- (b) In the event that standards within this Ordinance conflict with one another, the more stringent requirement shall apply.
- (c) Where a HMIWI is regulated by this Ordinance and applicable State Statute or Regulation, the more stringent requirements of each shall apply.
- (d) Where a HMIWI is regulated by this Ordinance and Ordinance 65645, the more stringent requirements of each shall apply.

**SECTION SIX.** Prohibition against Incineration.

It is unlawful to incinerate any medical, hospital, or infectious waste which can be treated through non-incineration waste treatment methods, unless the treatment of such waste by non-incineration waste treatment methods is specifically prohibited by state or federal law.

**SECTION SEVEN. Non-bypass Stack Use.**

- (a) The owner or operator of a HMIWI shall install CEMS on the non-bypass stacks, unless not technically feasible, to measure specific emissions for which there are limitations.
- (b) Specific emissions for which there are limitations include, but are not limited to:
  - (1) Particulate matter;
  - (2) Carbon monoxide;
  - (3) Dioxin/furans;
  - (4) Hydrogen chloride;
  - (5) Sulfur dioxide;
  - (6) Nitrogen oxides;
  - (7) Lead;
  - (8) Cadmium; and
  - (9) Mercury.
- (c) The burden of proof that CEMS is not technically feasible for a particular facility rests with the owner or operator of a HMIWI. Economic considerations shall not be taken into account. If a HMIWI requests the Commissioner to determine that the use of CEMS at a facility is not technically feasible, the Commissioner shall notify the public of the request and allow for a public comment period of no shorter than sixty (60) days prior to making a decision.
- (d) The owner or operator of a HMIWI shall install COMS on all non-bypass stacks to measure opacity.
- (e) Records from CEMS and COMS shall be stored on the HMIWI premises for ten (10) years and shall be submitted on a monthly basis to the Commissioner.
- (f) Tampering with CEMS, COMS, or records therefrom shall result in the imposition of a fine assessed at the maximum allowed by law. Such evidence shall also be transmitted to the permit and enforcement divisions of the Missouri Department of Natural Resources and the United States Environmental Protection Agency.

**SECTION EIGHT. Bypass Stack Use.**

- (a) Any use of a bypass stack shall be deemed a violation of emission limitations applicable to the facility unless such use occurs exclusively during a scheduled startup or shutdown, or during a malfunction.
- (b) The owner or operator of a HMIWI shall install a volumetric flow meter to record any flow from the bypass stack.
- (c) Data from the volumetric flow meter shall be used in conjunction with additional necessary information to calculate maximum potential emissions from the bypass stack.
- (d) Records from the volumetric flow meter, including data and emissions calculations, shall be stored on the HMIWI premises for ten (10) years and shall be available for inspection by the Commissioner, or other interested party, upon request.
- (e) Tampering with the volumetric flow meter or records therefrom shall result in the imposition of a fine assessed at the maximum allowed by law. Such evidence shall also be transmitted to the permit and enforcement divisions of the Missouri Department of Natural Resources and the United States Environmental Protection Agency.
- (f) In the event of an emission from the bypass stack, the operator shall immediately shut down the HMIWI. The HMIWI shall not be operated after use of the bypass stack until the Commissioner is satisfied that the condition which caused such use is corrected.
- (g) The HMIWI operator shall immediately notify the Commissioner of each use of the bypass stack. This notification shall consist of a full report of the event, including volumetric flow rate and maximum emissions calculations associated with such use of the bypass stack. The report shall also include a statement of all known causes of the event and a detailed statement of the actions that will be taken to minimize or eliminate future occurrences. This statement shall include, but is not limited to, actions planned to achieve the following:



correction of the conditions causing such use, reduction of the frequency of occurrence of such conditions, minimization of the amount by which emission limits are exceeded, and reduction of the length of time for which emission limits are exceeded.

- (h) Public notice. In the event that emissions released from the bypass vent violate the terms of this Ordinance, state law or regulations, or federal law or regulations, the operator of the HMIWI shall provide conspicuous and prominently published public notice of such use through public advertisement, but not in the form of a legal notice, setting forth the date, time, cause, and contents of such emission. The notice shall be published in a newspaper of general circulation within the City of St. Louis. The notice shall be published in one or more additional newspapers serving the community (or communities) within a one-mile radius of the HMIWI.

**SECTION NINE.** Record Keeping.

- (a) The owner or operator of a HMIWI shall keep complete records of the following: results of any performance or other emissions tests performed; all maintenance records; and any additional information required by the City of St. Louis Health Department, the Department of Natural Resources, and the Environmental Protection Agency.
- (b) Records of all required information shall be kept for at least ten (10) years, and shall be made available to the Commissioner immediately upon request.

**SECTION TEN.** Prevention of Equipment Failure.

- (a) The owner or operator of an HMIWI shall develop and follow a written schedule for inspecting air pollution control equipment, process equipment, or processes. The owner or operator shall keep this schedule at the facility.
- (b) The schedule shall identify the types of problems (e.g. malfunctions or deterioration) which are to be looked for during the inspection process.
- (c) The frequency of the inspection process shall be based on the rate of deterioration of equipment and the probability of an environmental or human health incident if the deterioration, malfunction, or any operator error goes undetected between inspections. However, the frequency of the inspection process shall be, at a minimum, once per week.
- (d) The owner or operator of a HMIWI shall file the schedule with the Commissioner on an annual basis. The Commissioner may modify or amend the schedule as appropriate.
- (e) The owner or operator shall remedy any deterioration or malfunction of air pollution control equipment, process equipment or processes which the inspection process reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action shall be taken immediately.
- (f) The owner or operator shall record inspections in an inspection log or summary in compliance with Section Nine. At a minimum, these records shall include the date and time of inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

**SECTION ELEVEN.** Compliance Dates.

- (a) All HMIWIs shall meet the requirements of this ordinance no later than two (2) months after this ordinance becomes effective, except that the provisions of Section Six of this Ordinance become effective immediately.
- (b) All HMIWIs that commence operation after the effective date of this Ordinance shall meet the requirements of this Ordinance upon startup.

**SECTION TWELVE.** Enforcement.

- (a) The Commissioner shall enforce the provisions of this ordinance.
- (b) The Commissioner shall have the authority to inspect any HMIWI facility or records and may demand proof of compliance of HMIWI operators with this Ordinance.
- (c) The Commissioner shall conduct at least two (2) unannounced inspections per year at each HMIWI.
- (d) Upon a finding that any provisions of this Ordinance have been violated, the Commissioner may suspend or revoke any permit, license, or grant contained within this ordinance after opportunity for hearing by the Board.
  - (1) At a Board hearing on enforcement of the provisions of this Ordinance, the Commissioner shall make a recommendation for enforcement action as to the offending non-compliance.

- (2) The parties involved and the Commissioner may appear at the hearing with counsel, may file written arguments and may make oral arguments, offer testimony or cross examine witnesses, or take any combinations of such actions.
- (3) All testimony taken before the Board shall be under oath and recorded stenographically, except that the Board may require the submission of voluminous or detailed or technical testimony in writing be given under oath. The transcript of records shall be made available to any member of the public or to any party upon payment of the fair charges therefor.
- (4) Upon the request of any parties, or on the motion of any member of the Board, the Board shall issue subpoenas requiring the attendance and testimony of witnesses and the production of books and records relevant to any matter involved. Every subpoena shall be served by the City Marshal and shall be obeyed.
- (5) The Board may affirm, modify, or rescind any recommendation for enforcement action given by the Commissioner.

**SECTION THIRTEEN.** Preservation of City's Rights of Alternate Remedies.

Nothing in this Ordinance shall abandon, abridge, or limit the City's rights to pursue the enforcement of and compliance with the provisions of this ordinance through administrative or judicial action.

**SECTION FOURTEEN.** Penalties for Violation.

- (a) In addition to any penalties set forth in Section Twelve of this ordinance, any person violating, failing to comply with, or committing any act prohibited by any provision of this Ordinance shall be fined the maximum amount allowable by the law and charter of the City of St. Louis.
- (b) In the event that there is a failure to comply with this Ordinance, or order of the Commissioner or Board, the Department of Health shall take immediate action against the owners and operators of the non-compliant facility. The City Counselor shall be empowered to immediately seek in the Circuit Court injunctive, declaratory, and equitable relief against the owners and operators of the non-compliant air facility.
- (c) Each separate violation of any provision of this Ordinance shall constitute a separate offense.
- (d) Each day upon which any violation of this Ordinance takes place shall constitute a separate offense.

**SECTION FIFTEEN.** Severability Clause.

The provisions of this Ordinance shall be severable. In the event that any provision of this Ordinance is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions of this ordinance are valid unless the court finds the valid provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be presumed that the Board of Aldermen would have enacted the valid provisions without the void ones or unless the Court finds that the valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

**SECTION SIXTEEN.** Emergency Clause.

This being an ordinance for the preservation of public peace, health, and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore shall become effective immediately upon its passage and approval by the mayor.

**Approved: December 2, 2002**

**ORDINANCE #65702  
Board Bill No. 296**

An Ordinance authorizing and directing the Director of Public Safety, on behalf of the City of St. Louis, to enter into and execute Grant Awards with the Bureau of Justice Assistance for a grant to fund bulletproof vests for law enforcement personnel of the City of St. Louis, appropriating said funds and authorizing the Director of Public Safety, on behalf of the City, upon approval of the Board of Estimate and Apportionment, to expend funds by entering into contracts or otherwise for grant purposes and containing an emergency clause.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** The Director of Public Safety is hereby authorized and directed, on behalf of the City of St. Louis, to enter into and execute Grant Awards with the Bureau of Justice Assistance for a grant to fund bulletproof vests for law enforcement personnel of the City of St. Louis.

**SECTION TWO.** The Director of Public Safety is hereby authorized and directed, upon approval of the Board of Estimate and Apportionment, to expend the funds, which are hereby appropriated for said purpose, by entering into contracts or otherwise received pursuant to the Grant Awards, totaling \$116,827.21, in a manner that is consistent with the provisions of said Awards, copies of which are attached hereto and shall become part of the ordinance.

**SECTION THREE.** Emergency Clause. This being an Ordinance for the immediate preservation of public peace, health and safety, it is hereby declared to be an immediate measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore this Ordinance shall become effective immediately upon its passage and approval by the Mayor.

**Approved: December 2, 2002**

**ORDINANCE #65703  
Board Bill No. 286  
Committee Substitute**

**AN ORDINANCE DESIGNATING A PORTION OF THE CITY OF ST. LOUIS, MISSOURI, AS A REDEVELOPMENT AREA KNOWN AS THE GRAND CENTER REDEVELOPMENT AREA PURSUANT TO THE REAL PROPERTY TAX INCREMENT ALLOCATION REDEVELOPMENT ACT; APPROVING A REDEVELOPMENT PLAN AND A SERIES OF REDEVELOPMENT PROJECTS WITH RESPECT THERETO; ADOPTING TAX INCREMENT FINANCING WITHIN THE REDEVELOPMENT AREA; ESTABLISHING THE GRAND CENTER SPECIAL ALLOCATION FUND; AND MAKING FINDINGS WITH RESPECT THERETO.**

**WHEREAS**, the Tax Increment Financing Commission of the City of St. Louis, Missouri (the "Commission") is duly constituted under the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the "Act"); and

**WHEREAS**, the Act authorizes the Commission to hold hearings with respect to proposed redevelopment areas, plans and projects and to make recommendations thereon to the Board of Aldermen; and

**WHEREAS**, staff and consultants at the direction of the St. Louis Development Corporation have prepared a proposal for redevelopment of the Grand Center Redevelopment Area, which presents a unified plan (the "Redevelopment Plan") attached as Exhibit A for the development of the Grand Center area as more specifically described in Exhibit I to the Redevelopment Plan (the "Redevelopment Area"); and

**WHEREAS**, the Redevelopment Plan provides for development of: (a) Districts Theaters, Museums and Arena Redevelopment Projects; (b) District Parking Redevelopment Projects; (c) District Green Space and Public Improvement Redevelopment Projects; (d) District Education and Housing Redevelopment Projects; (e) District Historic Rehabilitation Redevelopment Projects; and (f) District Retail and Mixed Use Redevelopment Projects, (the entire proposal for redevelopment as described in the Redevelopment Plan being hereinafter referred to as a series of "Redevelopment Projects"); and

**WHEREAS**, on September 19, 2002, after proper notice, the Commission held a public hearing in conformance with the Act and received comments from all interested persons and taxing districts relative to the Redevelopment Plan, the Redevelopment Area and the Redevelopment Projects; and

**WHEREAS**, the Commission unanimously recommended that the Board of Aldermen adopt the Redevelopment Plan and the series of Redevelopment Projects and designate the Redevelopment Area as a "redevelopment area" within the meaning of the Act; and

**WHEREAS**, the Board of Aldermen has received the recommendation of the Commission, and wishes to designate the Redevelopment Area as a "redevelopment area" within the meaning of the Act, adopt the Redevelopment Plan, and implement the series of Redevelopment Projects; and

**WHEREAS**, the Board of Aldermen finds that the designation of the Redevelopment Area, adoption of the Redevelopment Plan and implementation of the Redevelopment Projects are in the best interests of the City and the health, safety, morals and welfare of its residents, and in accord with the public purposes specified in the Act and the Redevelopment Plan.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION 1.** The Board of Aldermen hereby makes the following findings:

**A.** The Redevelopment Area on the whole is a "blighted area", as defined in Section 99.805(1) of the Act, and has not been subject to growth and development through private enterprise and the Redevelopment Area would not reasonably be anticipated to be developed without the adoption of tax increment financing, the Redevelopment Plan and the Redevelopment Projects. This finding includes, and the Redevelopment Plan sets forth and the Board of Aldermen hereby finds and adopts by reference: (i) a detailed description of the factors that qualify the Redevelopment Area as a "blighted area" and qualify the Redevelopment Projects as a series of "redevelopment projects" and (ii) an affidavit, signed by Grand Center, Inc. (the "Developer") and submitted with the Redevelopment Plan, attesting that the provisions of Section 99.810.1(1) of the Act have been met.

**B.** The Redevelopment Plan conforms to the comprehensive plan for the development of the City as a whole.

**C.** The estimated dates of completion of the Redevelopment Projects and retirement of obligations incurred to finance redevelopment project costs have been stated in the Redevelopment Plan and these dates are 23 years or less from the date of approval of the Redevelopment Projects.

**D.** A plan has been developed for relocation assistance for businesses and residences in Ordinance No. 62481 adopted December 20, 1991.

**E.** A cost-benefit analysis showing the economic impact of the Redevelopment Plan on each taxing district which is at least partially within the boundaries of the Redevelopment Area was presented to the Commission, which cost-benefit analysis showed the impact on the economy if the Redevelopment Projects were not built and were built pursuant to the Redevelopment Plan.

**F.** The Redevelopment Plan does not include the initial development or redevelopment of any gambling establishment.

**G.** The Redevelopment Area includes only those parcels of real property and improvements thereon directly and substantially benefited by the proposed series of Redevelopment Projects and improvements.

**SECTION 2.** The Redevelopment Area is hereby designated as a "redevelopment area" as defined in Section 99.805(11) of the Act.

**SECTION 3.** The Redevelopment Plan and the series of Redevelopment Projects described in the Redevelopment Plan are hereby adopted and approved. A copy of the Redevelopment Plan, as amended to date, is attached hereto as Exhibit A and incorporated herein by reference.

**SECTION 4.** Tax increment allocation financing is hereby adopted within the Redevelopment Area. After the total equalized assessed valuation of the taxable real property in the Redevelopment Area exceeds the certified total initial equalized assessed value of all taxable real property in the Redevelopment Area, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in the Redevelopment Area by taxing districts and tax rates determined in the manner provided in Section 99.855.2 of the Act each year after the effective date of this Ordinance until the payment in full of all redevelopment project costs shall be divided as follows:

**A.** That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract or parcel of real property in the Redevelopment Area shall be allocated to and, when collected, shall be paid by the Collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing; and

**B.** Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of the real property in the Redevelopment Area and any applicable penalty and interest over and above the initial equalized assessed value of such area shall be allocated to and, when collected, shall be paid to the City's Treasurer, who shall deposit such payments in lieu of taxes into a separate fund called the "Grand Center Special Allocation Fund" for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate in the Redevelopment Area from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable.

**SECTION 5.** In addition to the payments in lieu of taxes described in paragraph (B) of Section 4 of this Ordinance, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the City or other taxing districts, and which are generated by economic activities within the Redevelopment Area, over the amount of such taxes, penalties and interest in the calendar year prior to the adoption of this Ordinance, for each year after the effective date of this Ordinance, while tax increment financing remains in place, but excluding any taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to Section 70.500 of the Revised Statutes of Missouri, as amended, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or taxes levied pursuant to Section 94.660 of the Revised Statutes of Missouri, as amended, for the purpose of public transportation, and subject to annual appropriation, shall be allocated to and paid by the License Collector and Collector of Revenue to the City's Treasurer, who shall deposit such funds in a separate segregated account within the Grand Center Special Allocation Fund and applied solely to the repayment of the TIF Notes and any refinancing thereof whether they be in the form of TIF Notes or TIF Bonds.

**SECTION 6.** There is hereby created and ordered to be established within the treasury of the City a separate fund to be known as the "Grand Center Special Allocation Fund" for the purpose of paying redevelopment project costs and obligations incurred in the payment thereof. All moneys deposited in the Grand Center Special Allocation Fund shall be applied in such manner consistent with the Redevelopment Plan and this Ordinance.

**SECTION 7.** The City Register is hereby directed to submit a certified copy of this Ordinance to the Assessor, who is directed to determine the total equalized assessed value of all taxable real property within the Redevelopment Area as of the date of this Ordinance, by adding together the most recently ascertained equalized assessed value of each taxable lot, block, tract or parcel of real property within the Redevelopment Area, and shall certify such amount as the total initial equalized assessed value of the taxable real property within Redevelopment Area.

**SECTION 8.** The officers, agents and employees of the City are hereby authorized and directed to execute all documents and take such necessary steps as they deem necessary and advisable to carry out and perform the purpose of this Ordinance.

**SECTION 9.** The sections of this Ordinance shall be severable. If any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections shall remain valid, unless the court finds that the valid sections are so essential to and inseparably connected with and dependent upon the void section that it cannot be presumed that the Board of Aldermen has or would have enacted the valid sections without the void ones, unless the court finds that the valid sections, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

**SECTION 10.** Be it further ordained that all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

\_\_\_\_\_  
Clerk, Board of Aldermen

\_\_\_\_\_  
President, Board of Aldermen

Approved:      Date: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Truly Engrossed and Enrolled

\_\_\_\_\_  
Chairman

EXHIBIT A  
Redevelopment Plan  
(Attached hereto)

TAX INCREMENT  
BLIGHTING ANALYSIS AND REDEVELOPMENT PLAN  
FOR THE  
GRAND CENTER  
REDEVELOPMENT AREA  
St. Louis, Missouri  
August 2, 2002  
As amended, October 18, 2002  
As further amended, October 30, 2002

GRAND CENTER  
REDEVELOPMENT PROJECTS

St. Louis Development Corporation  
City of St. Louis  
Francis Slay  
Mayor  
Barbara Geisman  
Executive Director for Development

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## INTRODUCTION

The following is a plan prepared by the City of St. Louis ("City") in conjunction with Grand Center, Inc., a Missouri not-for-profit corporation for redevelopment of Grand Center and the Grand Rock neighborhood in midtown St. Louis (the "Redevelopment Area" or "Area"). A list of parcels and a map of the Redevelopment Area are attached hereto as Exhibit I and II.

Historically, the Redevelopment Area was the cultural theater and artistic center for the St. Louis region. The Area is distinguished by several palatial movie and vaudeville theater houses which evidence the Area's rich and diverse past. The theatres, galleries, ornate buildings and open public spaces served as the cultural center for artists, performers, patrons and citizens of the St. Louis area. Also included within the Redevelopment Area is Saint Louis University (the "University"). Since its founding in 1818, the University continues to serve as an invaluable educational and cultural entities within the Area. Despite its rich past, however, the Redevelopment Area has struggled to maintain its economic viability and has undergone several changes over the last decades.

The Redevelopment Area includes over 500 parcels of land. In keeping with its history, the Area is predominantly an arts and entertainment district, but is also distinguished by the strong presence of the University and other educational institutions and includes several restaurants, retail and office space, as well as some residential areas. Due to several factors, including economic changes, suburban growth, and the age of structures within the Redevelopment Area, numerous vacant lots and dilapidated or severely deteriorated structures now exist throughout the Redevelopment Area. In addition, the Area has suffered from a lack of private and public investment to maintain its historic cultural and architectural treasures.

Indeed, due to the condition of the Redevelopment Area, the City of St. Louis has blighted a majority of the Redevelopment Area under R.S.Mo. Chapters 99, 100, and/or 353. Most notably, pursuant to Chapter 353 R.S.Mo., the City, by Ordinance No. 65035, designated that portion of the Redevelopment Area bounded by Vandeventer Avenue on the west, Spring Avenue on the east, Enright Avenue on the north, and the alley north of Westminster Place on the south as a blighted area. In addition, pursuant to Chapter 353 R.S.Mo., the City, by Ordinance No. 58270, designated that portion of the Redevelopment Area bounded by Lindell Boulevard on the south, Theresa Avenue on the east, Enright Avenue on the north, and Spring Avenue on the west as a blighted area.

Pursuant to Chapter 99, 100 and/or 353, the City has also designated other portions of the Redevelopment Area as blighted areas. These blighted areas include, but are not limited to: (a) the 3701-25 Lindell Boulevard, 3718 and 3730 Westminster Place Area (Ordinance No. 65416); (b) the N. Vandeventer/Olive Area (Ordinance No. 62698); (c) the 3803-07 Westminster Place Area (Ordinance No. 62773); (d) the North Vandeventer (20) Area (Ordinance No. 64467); (e) the Mill Creek North Area (Ordinance No. 55321); (f) the Grand Rock Area (Ordinance No. 65003); (g) Westminster Place (3815-25) Area (Ordinance No. 63588); (h) Grandel Square Area (Ordinance No. 52784); (i) Washington Avenue (3880-90) Area (Ordinance No. 62997); (j) University Plaza (Ordinance No. 58920); (k) Mill Creek (Ordinance No. 47245); (l) Mill Creek North (Ordinance No. 55321); (m) Woolworth's Building (Ordinance No. 58831); (n) City Center (Grand Center) (Ordinance No. 58364); and (o) Pinewoods (Ordinance No. 58270).

See Exhibit III for a map of the areas blighted under Chapters 99, 100 and 353 which reflects that 45% of the Redevelopment Area has previously been declared blighted.

Those designations have results – Powell Hall, the Fox, the Sheldon, the Grandel, Pulitzer Foundation for the Arts, expansion of the University, etc. – but these efforts did not cause redevelopment of other major vacant buildings. Many building demolitions have occurred and have resulted in a "sea of asphalt" for parking. Purchase and clearance of land has only created an area of an only slightly less blighted nature, with major blighting influences still to be mitigated, and that these blighted conditions predominate when the Area is considered as a whole.

This Redevelopment Plan envisions the resurgence of the Redevelopment Area as a true, vibrant, economically self-sufficient cultural and theatre district which encompasses historical and modern artistic works, one of the finest Catholic universities in the United States, as well as restaurants, office space, residential, retail, and public open areas. This Redevelopment Plan further envisions the commitment of private enterprise, businesses, patrons, art and theatre groups to secure the architectural, cultural, artistic, and financial future of the Redevelopment Area as a whole.

In order to achieve the above redevelopment objectives, this Redevelopment Plan proposes approximately \$450,000,000 worth of redevelopment projects to the Redevelopment Area ("TIF Redevelopment Projects" or "Redevelopment Projects" as hereinafter set forth). Grand Center, Inc., a Missouri not-for-profit corporation, will serve as "Master Developer" for the Redevelopment Projects and as such shall actively seek additional parties, including the University, to act as "sub-Developers" of one or more of such projects under the auspices of the Master Developer. The Master Developer may, by assignment of its rights and obligations herein, by subcontract, partnership, joint venture or other legal arrangement, implement through sub-Developers one or more of the Redevelopment Projects, generally in accordance with this Redevelopment Plan, as the same may be modified from time to time.

As a result of the TIF Redevelopment Projects, it is anticipated that the Redevelopment Area and the City will benefit from increased tax revenues generated by increased real property valuations and increased economic activities within the Area. In order to help fund a portion of the costs associated with the TIF Redevelopment Projects ("TIF Redevelopment Project Costs"), the City will from time to time issue TIF Obligations (as hereinafter defined).

The Tax Increment Financing Allocation Redevelopment Act, as set forth in sections 99.800-99.865 R.S.Mo., as amended (the "TIF Act"), provides for the use of the tax increment revenue stream generated within a tax increment financing redevelopment area to pay all reasonable or necessary costs incurred, estimated to be incurred, or incidental to a redevelopment plan or redevelopment projects within a redevelopment area. The City may pledge all or a portion of such tax increment revenue stream to be deposited into the special allocation fund established for a specific redevelopment area to the payment of redevelopment project costs and obligations within the redevelopment area, including the retention of funds for the payment of future redevelopment project costs. Therefore, to the extent that the City pledges tax increment revenues generated by economic activity taxes ("EATS") and payments in lieu of taxes ("PILOTS") in the Redevelopment Area to be deposited in the special allocation fund established for the TIF Redevelopment Project (the "Special Allocation Fund"), this Redevelopment Plan proposes that the TIF Redevelopment Costs be paid from the proceeds of TIF Obligations or on a pay-as-you-go basis.

Specifically, fifty percent (50%) of the EATS, as that term is further defined in the TIF Act, including sales taxes, restaurant gross receipts taxes, utility franchise taxes, earnings taxes, payroll taxes, public garage and parking lots gross receipts taxes and amusements admissions taxes and one hundred percent (100%) of PILOTS, as that term is further defined in the TIF Act, generated by all economic activities and uses within the Redevelopment Area will be allocated to the Special Allocation Fund and, thereafter, pursuant to a redevelopment agreement, to the Master Developer to pay for TIF Redevelopment Project Costs incurred in connection with the TIF Redevelopment Project. The Master Developer will in turn allocate a portion of these amounts to the "Sub-Developers" who complete Redevelopment Projects. It is anticipated that the Desegregation Sales Tax will be excluded from allocation by contractual agreement with the City and, therefore, the Desegregation Sales Tax has been excluded from the projected TIF Revenues set forth in Exhibit VI, attached hereto.

Other financing aspects of the TIF Redevelopment Project are discussed in more detail in Section II.E.

## **I. DESCRIPTION OF THE REDEVELOPMENT AREA**

### **A. Boundaries of the Redevelopment Area**

The Grand Center Redevelopment Area (the "Redevelopment Area" or "Area") includes all or part of City Blocks 1038-1045, 1054-1062, 1950, 1956, 1959-1961, 2202, 2203, 2226, 2287-2290, 2293-2294, 2513, 3709, 3748, 3919, 3925-3928, 4585, 5036, 6493-6496 and 6504 and is generally bounded by Delmar on the North, Forest Park Parkway on the South, Compton on the East and Vandeventer on the West. A list of parcels in the area is included on Exhibit I and a map of the Area is included on Exhibit II.

### **B. Determination of Blight**

The Redevelopment Area is qualified as a Blighted Area under the Real Property Tax Increment Allocation Redevelopment Act (the "Act"). Section 99.805(1) of the Act defines Blighted Area as one which, "by reason of the predominance of defective or inadequate street lay out, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire or other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or menace to the public health, safety, morals, or welfare" in its present condition or use.

As previously stated, the Redevelopment Area includes numerous areas and tracts of land which the City has previously declared blighted pursuant to Chapters 99, 100 and 353 R.S.Mo. Despite the incentives available through such plans, a large number of the properties within the Redevelopment Area remain unoccupied and undeveloped or underutilized.

The Redevelopment Area is a blighted area as defined above based upon the fact that it exhibits the factors enumerated above, and which are further discussed as follows:

1. Defective or Inadequate Street Layout. The Redevelopment Area severely lacks the necessary infrastructure and adequate street layout to provide for necessary parking and street traffic. The Redevelopment Area was initially developed more than one hundred years ago prior to the existence of a community plan. The streets, alleys, sidewalks and blocks in and around the Redevelopment Area were originally platted and developed on a parcel-by-parcel and building-by-building basis with little evidence of coordination and planning among buildings and activities for growth or future development needs. This lack of coordinated planning is further reflected in the “skew” of the grid pattern that forms the street system. This has created odd intersection angles (that in some cases contribute to difficult sight distances for vehicular traffic), confusing changes in street naming, and impediment to the smooth flow of traffic.

Heavy traffic flows and back-ups result from the closing of Delmar Boulevard, which was at one time a major east/west arterial street. Overcrowding of structures and community facilities is present in several blocks of the Redevelopment Area. Loading and service for buildings is limited to narrow alleys or to front doors which requires access across pedestrian walkways. In most instances, street pavement width is not sufficient to accommodate on-street parking and loading areas to service existing buildings in addition to the vehicular traffic that must be accommodated. The parking of service trucks in alleys and along streets prevents the proper use of public right-of-way facilities and contributes to problems of traffic congestion in the Area. Even with excessive vacancies and underdeveloped parcels within the Area, there exists a severe lack of safe, convenient, and affordable parking. Structured parking is an essential component of any active commercial area. Because the parking currently available is not adequate to support the Area, and because this creates the parking and loading in traffic lanes as described above, the inadequacy of the street network is further elevated.

Therefore, the Redevelopment Area as a whole is characterized by defective or inadequate street layout as evidenced by:

- inadequate pavement width;
- defective alignment or layout;
- disconnected or closed segments;
- limited ability for improvement due to building placement; and
- a need for off-street parking and loading to assist in mitigating some of the inadequacies of the street system that cannot otherwise be solved by adding pavement width

2. Improper Subdivision or Obsolete Platting. By review and study of a parcel map of the Redevelopment Area, it is apparent that instances of improper subdivision or obsolete platting can be found virtually throughout the Area. The greatest overall example of improper subdivision can be found in the form of the layout of the street network north of Lindell/Olive and west of Theresa. The entire subdivision of this portion of the area is skewed from the grid of the surrounding City areas. As noted above in the discussion above, the subdivisions of this portion of the Area that occurred over time created odd street configurations, unconventional and unsafe street intersections, and oddly-shaped parcels that are virtually unbuildable under current City standards.

Overall the Area can be characterized by parcel layout that, measured against current City standards and development practice, represents evidence of obsolete platting by virtue of inadequate frontages, shallow depth, excessive ratio of depth to width, and inadequate area for construction of new buildings or expansion of existing buildings. In most portions of the Area, any new construction of commercial or residential structure to occur, parcels would have to be assembled to create lots of a size sufficient to accommodate a building and the off-street parking required by City ordinance. In fact, nearly all of the more recent development that has occurred in the Area over the last 40 years has involved the assembly of

2. Unsanitary or Unsafe Conditions. Many of the older, multi-storied buildings within the Redevelopment Area are characterized by a lack of ventilation, light and sanitary facilities according to contemporary development and code standards.

In some areas, the buildings are narrow and abut each other, which reduces the availability of light and ventilation due to the lack of windows along the length of the entire building. Center light wells are limited within these older block sections. Other problems include lack of mechanical ventilation for interior rooms, lack of natural light, lack of adequate bathroom facilities, lack of fire escape routes and exit stairwells, and inadequate provision for the storage of garbage.

In addition, problem conditions within the Redevelopment Area include peeling or blistering paint that may contain lead or other contaminants, loose or improperly secured building materials, unkempt storage areas, and the accumulation of debris in parking and open yard areas.

3. Deterioration of Site Improvements. In general, deterioration refers to any physical deficiencies or disrepair in buildings or site improvements requiring treatment or repair. Deterioration may be evident in basically sound buildings containing minor defects, such as a lack of painting, floor or ceiling surfaces, or holes and cracks over limited areas. Deterioration which is not easily curable, however, and which cannot be accomplished in the course of normal maintenance includes buildings with defects in the primary and secondary building components. Primary building



components include the foundation, exterior walls, floors, roofs, wiring, plumbing, etc. Secondary building components include the doors, windows, frames, fire escapes, gutters, downspouts, fascia materials, etc. Deterioration of streets and alleys includes evidence of pot holes, cracks, depressions, overgrowth, and poor drainage. Deterioration of sidewalks is evidenced by settled areas, cracks, gravel sections, overgrowth, or depressed curb areas.

As demonstrated by the physical condition of property within the Redevelopment Area, the Redevelopment Area as a whole suffers from severe deterioration. A large number of structures within the Redevelopment Area suffer from deterioration of both primary and secondary building components. The deficiencies cannot be corrected through normal maintenance but require either replacement or substantial rehabilitation. Structural defects evident in several of the buildings are so serious and extensive that they impair the safe use and occupancy of the buildings. The remaining structures tend to suffer from deferred maintenance of windows, doors, store fronts, exterior walls and related decorative stone or terra cotta façade material, cornices, fire escapes, steps, loading docks, roof areas, fascias and mechanical systems. Several streets, alleyways, and sidewalks are in a severe state of deterioration and need to be completely reconstructed.

In addition to the above, deterioration of site improvements within the Area is evidenced by the burnt remains of a small white rock church originally constructed in the late 19th century. Once home to a one hundred member congregation, the church was destroyed by a fire and has remained in a state of ruin ever since. Further, the 3700-3800 block of Olive Boulevard contains only one habitable residence while the remaining property is either completely uninhabitable or vacant.

4. Excessive Vacancies. Excessive vacancies as a blighting factor refers to the presence of buildings or sites which are unoccupied or not fully utilized and which present adverse influence on the surrounding area because of the frequency or duration of vacancies. Excessive vacancies include properties for which little evidence exists for future occupancy or utilization.

In addition to the numerous tracts of unimproved real estate within the Redevelopment Area, an excessive number of prominent buildings in the Redevelopment Area, have been vacant for many years. The Medinah Temple has been vacant for the past fifteen years, the Moolah Temple has been vacant for the past twenty years and the Sun Theatre has been vacant since 1955. The Continental Building was vacant since 1974 and is currently under renovation and in the early stages of being leased. The Coronado Hotel was vacant for approximately the past twenty years and is currently under renovation and in the early stages of being leased. Scattered throughout the Redevelopment Area there also exists several recently cleared sites where vacant and deteriorated buildings have been demolished. Further, many office and residential buildings within the Redevelopment Area are not fully occupied. Indeed, the Area as a whole suffers from negative absorption, which indicates that more tenants are leaving the Area than are moving into it. Excessive vacancies and negative absorption rates indicate that building space within the Redevelopment Area is difficult to market and income from the buildings is not sufficient to cover regular and routine maintenance.

Based on recent data collected by City and Grand Center staff, the overall Redevelopment Area contains approximately 231 acres of land area, not including rights-of-way. Of these 231 acres, approximately 51% (118 acres) is land controlled by Saint Louis University (SLU) comprising 117 parcels. According to the sources used by the City and Grand Center staffs, there is a total of approximately 10.1 million square feet of building gross floor space in the Area. Of this space, approximately 41 % is under ownership or control of SLU. Of the total building square footage owned or controlled by SLU, approximately 32% of the space is vacant.

Other property owners account for 457 parcels of property containing approximately 3.5 million square feet of gross floor space situated on approximately 113 acres of land (49% of the total area). The gross building square footage of all other property owners is approximately 60% of the total gross building square footage and approximately 40% of this floor area is vacant. By all real estate industry measurements of what is considered normal vacancy in commercial, institutional, and residential property, these figures are exceedingly high and would be considered excessive.

5. Obsolescence. Obsolescence of buildings and other structures is present throughout the Redevelopment Area. In general, obsolescence is either functional or economic. Functional obsolescence relates to the physical utility of a structure, while economic obsolescence relates to the building's ability to compete in the market place.

As previously discussed, many of the structures within the Redevelopment Area were built for a specific use or purpose. The design, location, height, and space arrangement were intended for a specific occupant at a given time. Generally, buildings become functionally obsolete when they contain design or function characteristics (or deficiencies) that limit their use and marketability in the current market.

Economic obsolescence is generally a result of adverse conditions which cause some degree of market rejection and, hence, depreciation in market values. Typically, buildings classified as dilapidated and buildings which contain vacant space are characterized by problem conditions which may not be economically curable, resulting in net rental losses and/or depreciation in market value.

Obsolescence in buildings, because of physical characteristics or economic conditions limiting their long-term sound use or reuse, is typically difficult and expensive to correct. The resulting deferred maintenance, deterioration and vacancies often have an adverse effect on nearby and surrounding development and detract from the physical, functional and economic vitality of the area.

The physical and economic obsolescence of many of the major buildings in the Redevelopment Area have a direct relationship to the long-term vacancies that have continued to plague and retard its growth and development. As noted in the previous section, many of the largest buildings in the Area (the Medinah and Moolah Temples, the Sun Theatre, the Continental Building, the Coronado Hotel, the Humbolt Building, the Carter Carburetor Building, the Woolworth's Building, etc.) have been or recently were vacant for years. Certain other buildings, while not entirely vacant, are grossly underutilized and in some instances (such as the Missouri Theatre building, the Metropolitan Building), are completely inappropriate for occupying tenants. This vacancy and underutilization is, in large part, due to the physical and economic obsolescence of these structures. Each of these buildings as well as many other less prominent buildings in the Area are characterized by conditions that indicate that the structure is incapable of efficient or economic use. All of these buildings exhibit at least three or more of the following conditions that are characteristic of physical and/or economic obsolescence and act as principal contributors to their vacancy.

Structures within the Redevelopment Area are characterized by conditions which indicate that the structure is incapable of efficient or economic use as evidenced by:

- inefficient exterior configuration of the structure, including insufficient width, size, irregular shape, improper orientation of the building site, or excessive ratio of upper floor space to outside wall area;
- inflexible interior configuration of the structure, including spacing of bearing walls, supporting columns and beams, and eccentric or single purpose design;
- inadequate heating, electrical, plumbing and ventilation systems;
- inadequate access for contemporary systems of delivery and service;
- inadequate capabilities for modern telecommunications and work space;
- lack adequate capabilities for necessary accessibility to meet ADA standards;
- inadequate loading facilities;
- floors with limited or no restrooms;
- buildings which lack or which have limited fire and life safety provisions and which would be difficult to conform to current code compliance; and
- non-conformance with fire, building, zoning, and safety codes.

In addition, as a whole, the Redevelopment Area has suffered from the oversupply of office space resulting from the changed use of existing buildings within the area. This has led to increasing competition for tenants and, as a result, older buildings are being vacated by tenants in favor of the newer, more efficient and relatively affordable space in buildings outside of the Redevelopment Area. Thus, rental rates for buildings within the Redevelopment Area yield an extremely low return to landlords. Low returns have made it difficult for landlords to pay taxes and adequately maintain their properties, much less finance significant improvements to their buildings. The result, therefore, is a lack of maintenance, increasing vacancies, deterioration and the general disuse of space that is too difficult or expensive to market to contemporary standards.

6. Endangerment by Fire or Other Causes. Endangerment by fire or other causes is typically due to the presence of structures below minimum code standards. Such code standards include building, housing, property maintenance, fire or other governmental codes applicable to the property. The principal purpose of such codes is to require buildings to be constructed and maintained so that they will have the capability to support the type of occupancy, necessary fire and similar hazard protection, or to establish the minimum standards essential for safe and sanitary habitation.

Due to the deterioration of site improvements and excessive vacancies within the Redevelopment Area, the Area as a whole suffers from endangerment by fire or other causes. Indeed, many of the older buildings which have remained vacant for the past several years lack contemporary fire safety, sanitation, and other security measures. The lack of maintenance and unsafe conditions evident in a majority of the Redevelopment Area are a hazard to both real property and personal safety.

7. Economic and Social Liability. The Area in its current condition is a liability to the general welfare and economic independence of the City. As a result, the Redevelopment Area is an economic liability to the taxing districts because the Area is delivering a lower (and potentially declining) level of tax revenue compared to its cost of service and/or similar territory elsewhere in the City. If such trends continue, its liability to the taxing districts will become greater.

Other factors also contribute to causing the Area to be an economic liability: The number of parcels that are in tax exempt ownership contributes to the Area being an economic liability. Some of the properties are held by the City, agents of the City (LRA, etc.) or redevelopment corporations and some of these holdings resulted from tax foreclosures or "urban renewal" type purchases. Other significant portions of the Area are held by the major private, City, State, and

Federal institutions in the Area. While these properties will not be reused for private purposes, they provide an indirect benefit in that they provide a base of “captive” employees, students, and visitors to the Area. However, without the economic feasibility and incentives for private entities to rehabilitate, redevelop, and develop current tax exempt properties that can be redeveloped, the ability to capitalize on the indirect benefit created by the tax exempt institutions in the Area will not be realized. To the extent that properties can be redeveloped by tax-paying entities, this situation will be mitigated.

The amount of vacant land in conjunction with the vacant buildings represents gross underutilization and further constitutes an economic liability. In addition, the amount of territory currently occupied by surface parking is also an economic liability. To the extent that these parcels continue in such use, more tax intensive development cannot occur. This further depresses the ability of the Area to produce all forms of tax revenue commensurate with the context of its urban environments and proximity to major employment and activity centers (VA, University, Hospitals, etc.). This economic underutilization of land has been recognized by the Missouri Supreme Court as a blighting condition, most prominently in the case Tierney v. Planned Industrial Expansion Authority of Kansas City, Missouri, 742 S.W. 2d 146, 151 (Mo. 1987).

In Tierney at page 151, the Missouri Supreme Court stated:

“...(10) The owners, finally, attack the concept of ‘economic underutilization’ as a basis... They suggest that almost all land could be put to a higher and better use, and argue that the concept of economic under-utilization is so broad as to confer upon the legislative authority and PIEA the unlimited discretion to take one person’s property for the benefit of another, contrary to Mo. Const. Art. I, Sec. 28.”

“We do not find the fault or the danger perceived. The concept of urban redevelopment has gone far beyond “slum clearance” and the concept of economic underutilization is a valid one. This is explicit in State ex rel. Atkinson v. Planned Industrial Expansion Authority of St. Louis, 517 S.W.2d 36 (Mo. Banc 1975), sustaining the statutes governing this case. Centrally located urban land is scarce. The problems of assembling tracts of sufficient size to attract developers, and of clearing uneconomic structures, are substantial and serious... redevelopment of this area would promote a higher level of economic activity, increased employment, and greater services to the public...”

In other words, the performance of a use below its economic potential is a symptom of a blighted area when examining uses that generate economic activity, (i.e., commercial uses). As the court stated in Tierney, urban redevelopment is far more than mere slum clearance, and includes the concept that economic under-utilization may be used as evidence of blight. That economic underutilization of the Area is further evidence that the Area exhibits those factors that qualify it as a “Blighted Area” and that this condition in combination with the others mentioned in this Redevelopment Plan constitutes an economic liability in the present conditions and uses.

8. Menace to the Public Health, Safety, Morals or Welfare. As discussed above, the Redevelopment Area exhibits many factors, which constitute a menace to the public health, safety, morals, or welfare in its present condition and use. The deteriorating, unsanitary, and unsafe site conditions as illustrated represent a menace to the public health and safety; the economic liability of deteriorated, vacant, or obsolete structures discussed above represents a menace to the public welfare.

The above factors, whether considered alone or as combined, not only retard the provision of commercial and retail development, as well as housing accommodations within the surrounding area and community, but also constitute an economic and social liability, and constitute a menace to the public health, safety, and welfare. As long as such conditions are present in the Redevelopment Area, there will be little incentive for private investment and development, commercial, retail or residential, to benefit the Area. Such disuse of property as is evidenced by the current condition of the Area retards historic preservation and redevelopment, lowers the morale of citizens, encourages abuse and social harm, and furthers the social stigma which currently plagues that and other areas of the City of St. Louis.

In determining if the proposed Redevelopment Area meets the eligibility requirements for TIF per the TIF Act, a number of sources of information were utilized. These include, but are not limited to, the following:

- a. Exterior survey of the condition and use of buildings within the Redevelopment Area;
- b. Field survey of environmental conditions covering streets, alleys, sidewalks, curbs, parking facilities, landscaping, fences and walls, and general property maintenance;
- c. Analysis of existing uses and their relationships;
- d. Comparison of current land use to current zoning ordinance and the current zoning map;
- e. Analysis of building and street design and layout;
- f. Analysis of vacant sites and vacant buildings;

- g. Review of previously approved blighting studies;
- h. Review of previously prepared community development plans and studies and data;
- i. Research of records and data from various local sources, including the St. Louis City Assessor's Office and Cultural Resources Office;
- j. Research of commercial development costs and standards for redevelopment;
- k. Research of architectural, cultural and artistic significance of properties within the area;
- l. Analysis of assessment records and tax abatement grants for properties within the area; and
- m. Interviews with local officials, owners, and developers knowledgeable as to the area's conditions and history.

## **II. REDEVELOPMENT PROJECTS**

### **A. Description of the Redevelopment Projects**

The Redevelopment Area will be developed through the Redevelopment Projects in a series of phases, the first of which is to begin immediately, for arts, entertainment, commercial, educational, housing and retail uses. Description of the proposed types of Redevelopment Projects are set forth on Exhibit IV. Exhibit IV also indicates the anticipated phasing for the Redevelopment Projects and estimated Redevelopment Projects Costs. While the type of Redevelopment Projects and phases are based on a current understanding of the market, the actual Redevelopment Projects and implementation schedule for the Redevelopment Projects may need to be adjusted as implementation of this Plan progresses in order to be coordinated with market demand and the availability of financing.

Tax increment revenues generated in the Redevelopment Area will be used to pay for eligible Redevelopment Project Costs. The Redevelopment Project Costs will include repayment of the TIF Obligations to be issued by the City for eligible redevelopment costs within the Redevelopment Area.

The Redevelopment Projects will be constructed of high quality materials with an attractive design. It is anticipated that the permanent jobs created by the Redevelopment Projects will have an annual payroll of nearly \$100-150,000,000 by 2011. Annual real property taxes are estimated to exceed \$5,000,000 in 2016 at the project completion date for all of the projects. The total development cost of the Redevelopment Projects within the Redevelopment Area is estimated to be approximately \$450,000,000. As a result of the Redevelopment Projects, tax increment revenues from the Redevelopment Area are expected to finance TIF Obligations ("TIF Obligations") in the amount of \$80,000,000 to be repaid from incremental real property taxes and EATS and/or payment made on a "pay-as-you-go" basis which has a similar present value, or about 18% of the total development costs within the Redevelopment Area. The City will not be requested to guarantee any indebtedness for the Projects.

### **B. Eligible TIF Redevelopment Project Costs**

The TIF Act provides for the use of tax increment revenues generated by a designated redevelopment project area within a TIF redevelopment area to pay all reasonable or necessary costs incurred, estimated to be incurred, or incidental to a redevelopment plan or redevelopment project within a TIF redevelopment area. A municipality may pledge all or any part of the funds in and to be deposited in the special allocation fund established for a redevelopment project area to the payment of redevelopment project costs and obligations within the redevelopment area, including the retention of funds for the payment of future redevelopment project costs. To the extent that tax increment revenues are deposited or are to be deposited in the special allocation fund, the redevelopment project costs may be paid directly in the year they are incurred or financed through special obligations, provided that such obligations are repaid within twenty-three years. Eligible redevelopment project costs include, but are not limited to, the following:

- 1. Costs of studies, surveys, plans and specifications;
- 2. Professional service costs, including but not limited to, architectural, engineering, environmental, legal, planning, marketing, financing, placement, and special services;
- 3. Land acquisition, demolition, and site preparation costs including but not limited to, demolition of buildings, and the remediation, clearing and grading of land;
- 4. Costs of rehabilitation, reconstruction, or repair or remodeling of existing buildings and fixtures;
- 5. Initial costs for an economic development area;
- 6. Costs of constructing public works or improvements, such as street lighting, street and alley construction or repairs, and parking;
- 7. Financing costs, including but not limited to, all necessary incidental expenses related to the issuance of

obligations, and which may include payment of interest on any obligations accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not more than eighteen months thereafter, and including reasonable reserves related thereto;

8. All or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred in furtherance of this Redevelopment Plan and project, to the extent the City by written agreement accepts and approves such costs;
9. Relocation costs, to the extent that the City determines that relocation costs shall be paid or are required to be paid by federal, state, or local law; and
10. Payments in lieu of taxes.

#### **C. Estimated TIF Redevelopment Project Costs**

Estimated Redevelopment Project Costs of the Redevelopment Projects, including the use of TIF Obligations to be paid by tax increment revenues and certain additional municipal revenues from the Project Area, are described below.

The proceeds from the sale of TIF Obligations shall be applied for a portion of the eligible Redevelopment Project Costs incurred or estimated to be incurred within the Redevelopment Area. As an alternative, a portion of such amount may be made available on a "pay-as-you-go" basis which has a similar present value. Eligible Redevelopment Project Costs may include, but not be limited to, all uses described in Section II.B. of this Redevelopment Plan (the "Eligible Redevelopment Project Costs") and as more particularly described in Exhibit IV of this Redevelopment Plan (the "Estimated Redevelopment Area Project Costs"). Such costs are anticipated to include professional services, site preparation, public works and improvements, financing costs, and other related development, finance and construction management costs of the Developer and the "sub-Developer" of the Redevelopment Projects.

It is anticipated that in addition to the TIF Obligations, several sources of funds will be used to pay the costs of implementation of the Plan and the Redevelopment Projects. These sources include:

- Capital that is available to the Developer through its own cash reserves or financing entities or through Sub-Developers (as hereinafter described);
- Federal and State Grants;
- Bank and insurance company financing;
- Tax-exempt bonds;
- Federal and Missouri historic and brownfields tax credits;
- Improvements by third party tenants.

#### **D. Present and Future Equalized Assessed Valuations of the Redevelopment Area: Redevelopment Area**

The total 2002 Equalized Assessed Valuation (the "EAV") of all taxable real property in the Redevelopment Area is \$7,915,310. The Redevelopment Area will be designated the Redevelopment Project Area pursuant to the TIF Act. The City intends to pledge the real property tax increment from all of the Redevelopment Area for the Estimated Redevelopment Project Costs, which shall include the Redevelopment Project special obligations. Upon completion of the proposed Redevelopment Projects, the future EAV of the taxable real property in the Redevelopment Area in 2016 is estimated to be \$84,600,000.

#### **E. Project Finance and Nature of Obligations**

Tax increment revenues from the Redevelopment Area, and other public and private funds will be used in a variety of ways for redevelopment activities within the Redevelopment Area. In particular, the Redevelopment Area tax increment revenues may be pledged for repayment of special obligations to finance redevelopment costs in the Redevelopment Area, i.e., the TIF Obligations and/or for reimbursement on a "pay as you go" basis.

A portion of the funds to be utilized to finance eligible Redevelopment Project costs will be generated through the sale by the City of its obligations to be repaid solely from moneys to be deposited in the Grand Center Tax Increment Redevelopment Area Special Allocation Fund (the "Special Allocation Fund") to be established for the Redevelopment Project. Projections of anticipated EATS and PILOTs are set forth in Exhibit V to this Plan. For this purpose, it is proposed that not in excess of approximately \$80,000,000 in unrated TIF Obligations be placed in a series of private sales by the Redevelopment Area Project developer. The maximum interest rate to be borne by the TIF Obligations shall be determined by the City by ordinance. The proposed final maturity date of the TIF Obligations is twenty-three years, with semiannual payments of interest and annual payments of principal. The City will cooperate in refinancing the TIF Obligations on a publicly offered basis at appropriate times in the future. It is anticipated that in connection with any such refinancings that it may be necessary to have multiple series of TIF obligations, and such series may have different priorities as to claims on amounts on deposit in the Special Allocation Fund. Subject to final review by bond counsel,

it is anticipated that some or all of the interest on the TIF Obligations will be excludable from gross income for the purposes of federal income taxation, either under Section 103 of the Internal Revenue Code of 1986 (the "Code"), as amended, because the proceeds of the obligations will be used for a governmental purpose, or, alternatively, under Section 141 of the Code, because the proceeds will be used for a qualified private activity. As an alternative, a portion of such amount may be made available on a "pay-as-you-go" basis which has a similar present value.

After the payment of annual scheduled debt service of the TIF Obligations, the remaining portion of tax increment revenues generated by the Redevelopment Project Area, if any, may be used to finance eligible Redevelopment Project Costs on a "pay-as-you-go" basis, and if not so used, will be applied for optional redemption of outstanding TIF Obligations. Such funds may be used during the twenty-three year period of the Redevelopment Plan for payment of eligible Redevelopment Project Costs incurred or estimated to be incurred in the Redevelopment Area. Redevelopment Project Costs may include, but not be limited to, all uses as described in Section II.B. of the Redevelopment Plan (the "Eligible TIF Public Redevelopment Projects Costs") and as more particularly described in Sections II.A. and II.C. and Exhibit IV of the Redevelopment Plan. Funds on deposit and accumulated in the Redevelopment Area Fund may be pledged for payment of present and future Redevelopment Project Costs in the Redevelopment Area as such costs are incurred and/or for repayment of special obligations issued by the City pursuant to the TIF Act.

The Redevelopment Project Costs, including the TIF Obligations and/or "pay as you go" amounts, will be paid solely from the moneys on deposit in the Special Allocation Fund. The Special Allocation Fund will contain two accounts:

1. The "PILOTs Account" which will contain all payments in lieu of taxes derived from all taxable, lots, blocks, tracts, and parcels of real property (or any interest therein) within the Redevelopment Area as such property is described in Exhibit II to this Redevelopment Plan; and
2. The "Economic Activity Taxes ("EATS") Account" which will contain fifty percent (50%) of the total funds from taxes imposed by the City which are generated by the operations and activities within the Redevelopment Area as such property is described in Exhibit II to this Redevelopment Plan, excluding licenses, fees or special assessments, and excluding personal property taxes and payments to the PILOTs Account. All amounts deposited to the EATS Account and generated from parcels owned and operated by the University shall be segregated and accumulated in a SLU-EATS Sub-account. Upon commencement of the construction of the SLU Arena, all amounts then on deposit in the SLU-EATS Sub-account shall be transferred to the EATS Account and thereafter all amounts attributable to the parcels owned and operated by the University shall be immediately deposited in the EATS Account.

Funds on deposit in the Pilots Account will be pledged to the payment of the Redevelopment Project Costs, including TIF Obligations and the Redevelopment Area Fund. Funds on deposit in the EATS Account will be subject to annual appropriation by the City for payment of the Redevelopment Project Costs, including the TIF Obligations and/or for reimbursement on a "pay as you go" basis. The City would not be requested to guarantee any indebtedness for the Project.

The TIF Obligations and/or "pay as you go" amounts will constitute special obligations of the City payable solely from, and secured as to the payment from any amounts the Pilots Account, and to the extent appropriated by the City on an annual basis, from funds derived from other taxes deposited into the Special Allocation Fund and from no other revenue or property of the City, or any political subdivision thereof. The TIF Obligations shall not constitute debts or liabilities of the City, the State of Missouri, or any political subdivision thereof within the meaning of any constitutional or statutory debt limitation or restriction and neither the City nor the State of Missouri shall be liable thereon except from the Pilots Account, and, to the extent appropriated by the City on an annual basis, from funds derived from other taxes deposited into the Special Allocation Fund. A preliminary financing commitment for the first series of TIF Obligations designed to finance the Redevelopment Projects is set forth on Exhibit VI.

### **III. BASIS OF FINDINGS FOR TAX INCREMENT FINANCING PLAN ADOPTION**

#### **A. Lack of Growth and Redevelopment**

The Redevelopment Area is qualified as a Blighted Area under the TIF Act, as described in Section I.B. of this Redevelopment Plan. The Redevelopment Area on the whole has not been subject to sustained and/or continuous growth and development through investment by private enterprise, as evidenced by its current ownership and its present condition. Furthermore, the Redevelopment Area would not reasonably be anticipated to be developed in this timeline or to this level without the adoption of this Redevelopment Plan. Development of the Redevelopment Area as proposed in this Redevelopment Plan would not occur but for the public financing from tax increment revenues.

#### **B. Conformance with the Comprehensive Plan of the City of St. Louis**

The proposed land uses, zoning, public facilities and utility plans are appropriate and consistent with local objectives as defined by the General Plan of the City of St. Louis which includes the "Comprehensive City Plan" (1947), the "St. Louis Development Program" (1973), and the "Economic Development Strategy" (1978).

#### **C. Estimated Dates for Implementation**

The estimated date for completion of this Redevelopment Plan is October, 2025 for a total development schedule of 23 years as permitted by the TIF Act. Special TIF Obligations issued by the City and/or "pay as you go" disbursements from the City

to finance the Redevelopment Project Costs within the Redevelopment Area will be completed over a time period not to exceed 23 years.

**D. Relocation Plan**

Should eminent domain be utilized under existing ordinances, any eligible owners, businesses, and residential occupants within the Redevelopment Area displaced as a result of the implementation of this Redevelopment Plan shall be provided relocation assistance in accordance with all federal, state and local laws, ordinances, regulations and policies, including the federal Uniform Relocation Procedures Act, as amended, and the Revised Relocation Policy of the City of St. Louis which are incorporated into this Redevelopment Plan by reference.

**IV. ADMINISTRATIVE ISSUES**

**A. Plan Administration**

The City will administer this Redevelopment Plan and work with the various City departments and officials charged with specific responsibilities pursuant to the TIF Act.

**B. Duration of Regulations and Controls**

The regulations and controls set forth in this Redevelopment Plan shall be in full force and effect for twenty three years commencing with the effective date of approval of this Redevelopment Plan by ordinance or until the TIF Obligations are paid and all obligations to reimburse Redevelopment Project Costs have been satisfied.

**C. Procedures for Changes in Redevelopment Plan**

Procedures for amending this Redevelopment Plan are set forth in Section 99.825(1) of the TIF Act, which is hereby incorporated by reference to this Redevelopment Plan.

**D. Compliance with Affirmative Action, Equal Opportunity and Non-Discrimination Laws and Regulations**

1. In any contract for work in connection with the Redevelopment Project related to any of the property in the Redevelopment Area, the Developer (which term shall include the Developer, any transferees, lessees, designees, successors and assigns thereof, including without limitation any entity related to the Developer by one of the relationships described in Section 267(b) of the United States Internal Revenue Code of 1986, as amended), its contractors and subcontractors shall comply with all federal and state laws, ordinances or regulations governing equal opportunity and nondiscrimination (the "Laws"). Moreover, the Developer shall contractually require its contractors and subcontractors to comply with the Laws. The Developer and its contractors or subcontractors shall not contract with any party known to have been found in violation of the Laws.
2. The Developer shall fully comply with Executive Order #28 dated July 24, 1997, relating to minority and women-owned business participation in City contracts; in addition, the Developer shall, and shall require its Sub-Developers, contractors and subcontractors, to make a good faith effort to exceed the percentage goals set forth in the Executive Order.
3. The parties agree that the provisions of City Ordinance #60275, codified at Chapter 3.90 of the Revised Ordinances of the City of St. Louis, Missouri (the "First Source Jobs Policy"), do not specifically apply to the Developer as a potential recipient of TIF Revenues. Nonetheless, the Developer voluntarily agrees to make good faith efforts to observe the provisions of the First Source Jobs Policy related to the negotiation of an employment agreement with the St. Louis Agency on Training and Employment.

**E. Developer Selection**

The Redevelopment Projects anticipate the use of tax increment financing for payment of Public Redevelopment Project Costs. As required by state law and upon authorization of the Tax Increment Finance Commission of the City of St. Louis, the City or its agent shall request proposals for a Master Developer to carry out the private rehabilitation and new construction activities contemplated by this Redevelopment Plan. The City or its agent shall establish procedures to provide a reasonable opportunity for any person or entity to submit proposals for Master Developer of a Redevelopment Area. The City shall make available to the public the terms of all proposals made in response to its request for proposals, including the terms of agreements with the City for any proposed conveyance, lease, mortgage, or other disposition of land or redevelopment of property in a Redevelopment Area. In general, proposals shall be evaluated upon the extent to which they may achieve the objectives of this Redevelopment Plan. The City may reserve the right to reject any and all proposals, to negotiate with proponents, and to waive any informality in submissions whenever same is in the interest of the City. The Master Developer selected by the City shall execute an affidavit in the form set forth in Exhibit VII. The Master Developer shall require any "Sub-Developer" to execute an affidavit similar to the form set forth in Exhibit VII.

**F. Severability**

The elements of this Redevelopment Plan satisfy all requirements of state and local laws. Should any provisions of this Redevelopment Plan be held invalid by a final determination of a court of law, the remainder of the provisions thereof shall not be affected thereby, and shall remain in full force and effect.

## V. EXHIBITS

All attached exhibits are hereby incorporated by reference into this Redevelopment Plan and made a part hereof.

### EXHIBIT I: PARCELS IN THE REDEVELOPMENT AREA

Parcel ID	Address	Parcel ID	Address
03800010	3220 DELMAR BLVD	104100080	3211 OLIVE ST
03800020	3220 DELMAR BLVD	104100090	3217 OLIVE ST
03800030	3216 DELMAR BLVD	104100 09	3221 OLIVE ST
03800040	3212 DELMAR BLVD	104100 10	3225 OLIVE ST
03800050	3208 DELMAR BLVD	104100 25	3227 OLIVE ST
03800060	3204 DELMAR BLVD	1042 8 05	3320 LOCUST ST
03800100	715 N COMPTON AV	1042 8 07	3320 LOCUST ST
03800110	709 N COMPTON AV	104300010	3338 WASHINGTON AV
03800120	3201 DR SAMUEL T SHEPARD DR	104300020	3336 WASHINGTON AV
03800130	3203 DR SAMUEL T SHEPARD DR	104300030	3330 WASHINGTON AV
03800140	3205 DR SAMUEL T SHEPARD DR	104300040	3328 WASHINGTON AV
03800150	3207 DR SAMUEL T SHEPARD DR	104300050	3326 WASHINGTON AV
03800160	3209 DR SAMUEL T SHEPARD DR	104300060	3318 WASHINGTON AV
03800170	3211 DR SAMUEL T SHEPARD DR	104300070	3316 WASHINGTON AV
03800180	3213 DR SAMUEL T SHEPARD DR	104300080	3308 WASHINGTON AV
03800190	3215 DR SAMUEL T SHEPARD DR	104300090	3300 WASHINGTON AV
03800200	3217 DR SAMUEL T SHEPARD DR	104300 00	3301 LOCUST ST
03800210	3221 DR SAMUEL T SHEPARD DR	104300 10	3321 LOCUST ST
03800220	3225 DR SAMUEL T SHEPARD DR	104300 20	3323 LOCUST ST
03800230	3227 DR SAMUEL T SHEPARD DR	104300 30	3327 LOCUST ST
03800240	3229 DR SAMUEL T SHEPARD DR	104300 40	3331 LOCUST ST
03900010	3230 DR SAMUEL T SHEPARD DR	104300 50	500 N JOSEPHINE BAKER AV
03900020	3218 DR SAMUEL T SHEPARD DR	104400025	3329 WASHINGTON AV
03900030	3208 DR SAMUEL T SHEPARD DR	104400040	3322 DR SAMUEL T SHEPARD DR
03900040	3206 DR SAMUEL T SHEPARD DR	104400055	3300 DR SAMUEL T SHEPARD DR
03900050	3204 DR SAMUEL T SHEPARD DR	104400080	3301 WASHINGTON AV
03900060	3200 DR SAMUEL T SHEPARD DR	104400100	3305 WASHINGTON AV
03900070	617 N COMPTON AV	104400 15	3321 WASHINGTON AV
03900090	3207 WASHINGTON AV	104400120	3323 WASHINGTON AV
03900100	3229 WASHINGTON AV	104500010	3336 DELMAR BLVD
04000010	3232 WASHINGTON AV	104500020	3316 DELMAR BLVD
04000020	3216 WASHINGTON AV	104500050	3314 DELMAR BLVD
04000030	3300 WASHINGTON AV	104500060	3312 DELMAR BLVD
04000040	3201 LOCUST ST	104500070	3310 DELMAR BLVD
04000050	3219 LOCUST ST	104500080	3308 DELMAR BLVD
04000060	3219 LOCUST ST	104500090	3306 DELMAR BLVD
04000070	3221 LOCUST ST	104500100	3304 DELMAR BLVD
04000080	3225 LOCUST ST	104500110	3302 DELMAR BLVD
04000090	3227 LOCUST ST	104500120	3300 DELMAR BLVD
04100010	3224 LOCUST ST	104500130	718 N LEONARD AV
04100020	3216 LOCUST ST	104500140	3301 DR SAMUEL T SHEPARD DR
04100030	3214 LOCUST ST	104500150	3315 DR SAMUEL T SHEPARD DR
04100040	3210 LOCUST ST	104500160	3317 DR SAMUEL T SHEPARD DR
04100050	3206 LOCUST ST	104500170	3319 DR SAMUEL T SHEPARD DR
04100060	3300 LOCUST ST	104500180	3321 DR SAMUEL T SHEPARD DR
04100070	3303 OLIVE ST	104500190	3323 DR SAMUEL T SHEPARD DR



Parcel ID	Address	Parcel ID	Address
104500200	3325 DR SAMUEL T SHEPARD DR	105900130	3514 OLIVE ST
104500210	3327 DR SAMUEL T SHEPARD DR	105900140	3500 OLIVE ST
104500220	3329 DR SAMUEL T SHEPARD DR	105900160	3515 LINDELL BLVD
104500230	3331 DR SAMUEL T SHEPARD DR	105900170	3531 LINDELL BLVD
105400015	3432 DELMAR BLVD	105900190	3533 LINDELL BLVD
105400025	3430 DELMAR BLVD	105900200	3539 LINDELL BLVD
105400035	3422 DELMAR BLVD	105900230	3545 LINDELL BLVD
105400136	3419 DR SAMUEL T SHEPARD DR	105900240	3547 LINDELL BLVD
105400225	3433 DR SAMUEL T SHEPARD DR	105900255	300 N GRAND BLVD
105500010	3440 DR SAMUEL T SHEPARD DR	105900256	3539 LINDELL BLVD
105500020	3438 DR SAMUEL T SHEPARD DR	105900257	3559 LINDELL BLVD
105500030	3426 DR SAMUEL T SHEPARD DR	105900260	314 N GRAND BLVD
105500040	3424 DR SAMUEL T SHEPARD DR	106000010	516 N GRAND BLVD
105500050	3416 DR SAMUEL T SHEPARD DR	106000030	3540 WASHINGTON AV
105500060	3410 DR SAMUEL T SHEPARD DR	106000040	3536 WASHINGTON AV
105500070	3400 DR SAMUEL T SHEPARD DR	106000050	3534 WASHINGTON AV
105500080	3401 WASHINGTON AV	106000060	3532 WASHINGTON AV
105500090	3407 WASHINGTON AV	106000070	3530 WASHINGTON AV
105500100	3411 WASHINGTON AV	106000080	3528 WASHINGTON AV
105500110	3415 WASHINGTON AV	106000095	3520 WASHINGTON AV
105500120	3427 WASHINGTON AV	106000110	3518 WASHINGTON AV
105500130	614 N THURISA AV	106000120	3512 WASHINGTON AV
105600015	3418 WASHINGTON AV	106000140	3504 WASHINGTON AV
105600022	3414 WASHINGTON AV	106000160	3501 OLIVE ST
105600030	3412 WASHINGTON AV	106000200	3523 OLIVE ST
105600040	3410 WASHINGTON AV	106000210	3533 OLIVE ST
105600050	3408 WASHINGTON AV	106000220	3531 OLIVE ST
105600090	3400 WASHINGTON AV	106000230	500 N GRAND BLVD
105600100	3401 LOCUST ST	106000240	526 N GRAND BLVD
105600110	3417 LOCUST ST	106000250	3528 WASHINGTON AV
105600120	3427 LOCUST ST	106100010	3520 DR SAMUEL T SHEPARD DR
105700070	3431 OLIVE ST	106100030	3514 DR SAMUEL T SHEPARD DR
105700030	3423 OLIVE ST	106100030	3508 DR SAMUEL T SHEPARD DR
105700040	3415 OLIVE ST	106100040	3500 DR SAMUEL T SHEPARD DR
105700060	3407 OLIVE ST	106100050	3501 WASHINGTON AV
105700075	3401 OLIVE ST	106100060	3511 WASHINGTON AV
105800010	3432 OLIVE ST	106100070	3519 WASHINGTON AV
105800020	3420 OLIVE ST	106100080	3517 WASHINGTON AV
105800030	3401 LINDELL BLVD	106100090	3525 WASHINGTON AV
105900010	3554 OLIVE ST	106100100	3531 WASHINGTON AV
105900020	3546 OLIVE ST	106100110	620 N GRAND BLVD
105900030	3544 OLIVE ST	106100120	626 N GRAND BLVD
105900040	3542 OLIVE ST	106100130	3529 WASHINGTON AV
105900050	3536 OLIVE ST	106200035	3500 DELMAR BLVD
105900070	3532 OLIVE ST	106200065	3501 DR SAMUEL T SHEPARD DR
105900080	3526 OLIVE ST	106200075	3515 DR SAMUEL T SHEPARD DR
105900090	3524 OLIVE ST	106200085	3523 DR SAMUEL T SHEPARD DR
105900100	3522 OLIVE ST	106200090	3521 DR SAMUEL T SHEPARD DR
105900110	3518 OLIVE ST	106200100	3533 DR SAMUEL T SHEPARD DR

Parcel ID	Address	Parcel ID	Address
106200110	700 N GRAND BLVD	220300010	3634 LACLEDE AV
106200135	714 N GRAND BLVD	220300020	3624 LACLEDE AV
106200145	3514 DELMAR BLVD	220300030	3618 LACLEDE AV
195000010	96 N Josephine Baker Av	220300035	3614 LACLEDE AV
195000013	3201 LACLEDE AV	220300040	17 S GRAND BLVD
195000020	3338 OLIVE ST	220300050	35 S GRAND BLVD
195000180	3338 W OLIVE ST	220300060	3615 FOREST PARK AV
195000300	217 N COMPTON AV	220300070	3631 FOREST PARK AV
195600010	3556 LINDELL BLVD	222600010	3520 LACLEDE AV
195600020	3550 LINDELL BLVD	222600020	3518 LACLEDE AV
195600030	3622 WEST PINE BLVD	222600030	3400 LACLEDE AV
195600040	3500 LINDELL BLVD	222600040	3200 LACLEDE AV
195600045	3500 R LINDELL BLVD	228700035	3670 WASHINGTON AV
195600120	275 N Josephine Baker Av	228700050	3664 WASHINGTON AV
195600130	215 N Josephine Baker Av	228700060	3656 WASHINGTON AV
195600140	3401 LACLEDE AV	228700070	3646 WASHINGTON AV
195600145	3599 PINE ST	228700085	3644 WASHINGTON AV
195600147	3590 W LINDELL BLVD	228700090	3640 WASHINGTON AV
195600150	3561 PINE ST	228700095	517 N GRAND BLVD
195600160	3539 PINE ST	228700100	531 N GRAND BLVD
195600165	3550 R LINDELL BLVD	228700110	521 N GRAND BLVD
195600170	3521 PINE ST	228700120	501 N GRAND BLVD
195600180	3501 PINE ST	228700130	3615 OLIVE ST
195600190	3456 R LINDELL BLVD	228700140	3621 OLIVE ST
195600200	3446 R LINDELL BLVD	228700150	3611 OLIVE ST
195600210	3442 R LINDELL BLVD	228700160	3645 OLIVE ST
195600220	3431 PINE ST	228700230	3609 OLIVE ST
195600225	3420 R LINDELL BLVD	228700320	3720 WASHINGTON AV
195600235	3418 R LINDELL BLVD	228700330	3750 WASHINGTON AV
195600240	3408 R LINDELL BLVD	228700340	3687 OLIVE ST
195600250	200 N GRAND BLVD	228700350	3657 OLIVE ST
195600280	3400 LINDELL BLVD	228700400	3750 WASHINGTON AV
195900011	2 N SPRING AV	228700110	3716 OLIVE ST
195900021	24 R N SPRING AV	228800010	3746 GRANDIEL SQUARE
195900031	19 N GRAND BLVD	228800020	3740 GRANDIEL SQUARE
195900041	17 N GRAND BLVD	228800030	3736 GRANDIEL SQUARE
195900050	3 N GRAND BLVD	228800041	3730 GRANDIEL SQUARE
195900061	3615 LACLEDE AV	228800051	3730 GRANDIEL SQUARE
196000010	3604 LINDELL BLVD	228800060	3722 GRANDIEL SQUARE
196000020	3655 WEST PINE BLVD	228800070	3716 GRANDIEL SQUARE
196000030	3689 WEST PINE BLVD	228800080	3710 GRANDIEL SQUARE
196000040	220 N SPRING AV	228800090	3708 GRANDIEL SQUARE
196100010	3610 OLIVE ST	228800100	3700 GRANDIEL SQUARE
196100210	3663 LINDELL BLVD	228800110	3662 GRANDIEL SQUARE
196100220	3681 LINDELL BLVD	228800120	3658 GRANDIEL SQUARE
196100230	3693 LINDELL BLVD	228800125	3651 GRANDIEL SQUARE
196100240	3600 OLIVE ST	228800130	3636 GRANDIEL SQUARE
196100250	3623 LINDELL BLVD	228800140	3630 GRANDIEL SQUARE
220200110	3650 LACLEDE AV	228800150	3610 GRANDIEL SQUARE

Parcel ID	Address	Parcel ID	Address
228806170	617 N GRAND BLVD	229002070	1015 N GRAND BLVD
228806195	3623 WASHINGTON AV	229300190	1129 N GRAND BLVD
228806210	3643 WASHINGTON AV	229300200	1127 N GRAND BLVD
228806220	3651 WASHINGTON AV	229300210	1200 N GRAND BLVD
228806230	3655 WASHINGTON AV	229300220	1125 N GRAND BLVD
228806240	3661 WASHINGTON AV	229300230	1117 N GRAND BLVD
228806250	3701 WASHINGTON AV	229300240	1111 N GRAND BLVD
228806260	3713 WASHINGTON AV	229300250	1109 N GRAND BLVD
228806270	3719 WASHINGTON AV	229300260	1107 N GRAND BLVD
228806280	3721 WASHINGTON AV	229300270	1101 N GRAND BLVD
228806290	3733 WASHINGTON AV	229300470	1104 N SPRING AVE
228806325	3737 WASHINGTON AV	229300480	1112 N SPRING AVE
228806330	629 N SPRING AV	229300490	1113 REJO FOXF LN
228806500	607 N GRAND BLVD	229400180	3616 PAGE BLVD
228806510	607 N GRAND BLVD	229400200	3610 PAGE
228819010	3743 DELMAR BLVD	229400210	1225 N GRAND BLVD
228819020	3743 FNRGHT AV	229400220	1221 N GRAND BLVD
228819030	3738 FNRGHT AV	229400230	1213 N GRAND BLVD
228819040	3718 FNRGHT AV	229400240	1211 N GRAND BLVD
228819050	3710 FNRGHT AV	229400250	1209 N GRAND BLVD
228819060	3678 FNRGHT AV	229400260	1207 N GRAND BLVD
228819070	3643 DELMAR BLVD	251200910	3632 WINDSOR PL
228819080	3617 DELMAR BLVD	251300010	3888 WINDSOR PL
228819090	807 N GRAND BLVD	251300020	3886 WINDSOR PL
228819100	701 N GRAND BLVD	251300030	3884 WINDSOR PL
228819105	3617 GRANDEL SQUARE	251300040	3878 WINDSOR PL
228819120	3625 GRANDEL SQUARE	251300050	3874 WINDSOR PL
228819130	3631 GRANDEL SQUARE	251300060	3872 WINDSOR PL
228819140	3639 GRANDEL SQUARE	251300070	3870 WINDSOR PL
228819150	3641 GRANDEL SQUARE	251300190	3836 WINDSOR PL
228819180	3707 GRANDEL SQUARE	251300200	3834 WINDSOR PL
228819190	3711 GRANDEL SQUARE	251300210	3832 WINDSOR PL
228819200	3715 GRANDEL SQUARE	251300220	3828 WINDSOR PL
228819210	3723 GRANDEL SQUARE	251300230	3824 WINDSOR PL
228819220	3727 GRANDEL SQUARE	251300240	3820 WINDSOR PL
228819230	3735 GRANDEL SQUARE	251300245	3814 WINDSOR PL
228819240	3741 GRANDEL SQUARE	251300250	3818 WINDSOR PL
229001020	3620 FINNEY AV	251300270	3814 WINDSOR PL
229001030	3618 FINNEY AV	251300280	3808 WINDSOR PL
229001035	3616 FINNEY AV	251300290	3804 WINDSOR PL
229001040	3602 FINNEY AV	251300300	3802 WINDSOR PL
229001050	1045 N GRAND BLVD	251300330	3861 BELL AVE
229001060	1041 N GRAND BLVD	251300340	3863 BELL AVE
229001070	1039 N GRAND BLVD	251300350	3865 BELL AVE
229001075	1027 N GRAND BLVD	251300360	3867 BELL AVE
229001080	1023 N GRAND BLVD	251300370	3869 BELL AVE
229001090	1023 ST ALPHONSUS ST	251300390	3873 BELL AVE
229001100	1027 ST ALPHONSUS ST	251300400	3875 BELL AVE
229001110	3616 R FINNEY AV	251300410	3877 BELL AVE

Parcel ID	Address
251300420	2879 BELL AV
251300430	3881 BELL AV
251300440	3883 BELL AV
251300450	3887 BELL AV
251300460	1000 N VANDEVENTER AV
251300470	1004 N VANDEVENTER AV
391903010	3818 LACLEDE AV
391903020	3838 LACLEDE AV
391903041	3834 LACLEDE AV
391903050	3822 LACLEDE AV
391903060	3818 LACLEDE AV
391903080	3812 LACLEDE AV
391903090	3810 LACLEDE AV
391903100	3808 LACLEDE AV
391903110	3802 LACLEDE AV
391903120	3800 LACLEDE AV
391903125	3762 LACLEDE AV
391903130	3760 LACLEDE AV
391903135	3758 LACLEDE AV
391903140	3754 LACLEDE AV
391903150	3752 LACLEDE AV
391903160	3750 LACLEDE AV
391903175	3712 LACLEDE AV
391903180	3710 LACLEDE AV
391903190	3708 LACLEDE AV
391903200	3706 LACLEDE AV
391903205	3704 LACLEDE AV
391903210	3702 LACLEDE AV
391903220	3702 LACLEDE AV
391903230	3700 LACLEDE AV
391903240	11 S SPRING AV
391903250	13 S SPRING AV
391903260	15 S SPRING AV
391903270	17 S SPRING AV
391903280	19 S SPRING AV
392500010	3858 WESTMINSTER PL
392500020	3850 WESTMINSTER PL
392500030	3842 WESTMINSTER PL
392500055	3832 WESTMINSTER PL
392500065	3822 WESTMINSTER PL
392500070	3734 WESTMINSTER PL
3925000740	3730 WESTMINSTER PL
3925000750	3718 WESTMINSTER PL
3925000760	3701 LINDELL BLVD
3925000770	3733 LINDELL BLVD
3925000780	3755 LINDELL BLVD
3925000790	3765 LINDELL BLVD
3925000800	3801 LINDELL BLVD
3925000810	3805 LINDELL BLVD

Parcel ID	Address
392500220	3821 LINDELL BLVD
392500230	3839 LINDELL BLVD
392500240	3853 LINDELL BLVD
392600010	3856 OLIVE ST
392600020	3848 OLIVE ST
392600030	3842 OLIVE ST
392600040	3838 OLIVE ST
392600050	3834 OLIVE ST
392600060	3830 OLIVE ST
392600070	3826 OLIVE ST
392600080	3820 OLIVE ST
392600090	3812 OLIVE ST
392600100	3810 OLIVE ST
392600110	3808 OLIVE ST
392600120	3802 OLIVE ST
392600130	3800 OLIVE ST
392600140	3758 OLIVE ST
392600150	3756 OLIVE ST
392600160	3754 OLIVE ST
392600170	3752 OLIVE ST
392600180	3744 OLIVE ST
392600190	3742 OLIVE ST
392600200	3740 OLIVE ST
392600210	3738 OLIVE ST
392600220	3730 OLIVE ST
392600230	3724 OLIVE ST
392600240	3718 OLIVE ST
392600260	3714 OLIVE ST
392600270	3710 OLIVE ST
392600280	3704 OLIVE ST
392600290	3700 OLIVE ST
392600300	323 N SPRING AV
392600320	3711 WESTMINSTER PL
392600330	3717 WESTMINSTER PL
392600340	3727 WESTMINSTER PL
392600350	3731 WESTMINSTER PL
392600360	3737 WESTMINSTER PL
392600370	3739 WESTMINSTER PL
392600380	3747 WESTMINSTER PL
392600390	3751 WESTMINSTER PL
392600400	3757 WESTMINSTER PL
392600410	3759 WESTMINSTER PL
392600420	3763 WESTMINSTER PL
392600430	3803 WESTMINSTER PL
392600435	3805 WESTMINSTER PL
392600440	3807 WESTMINSTER PL
392600450	3811 WESTMINSTER PL
392600485	3815 WESTMINSTER PL
392600490	3829 WESTMINSTER PL

Parcel ID	Address
392600500	3835 WESTMINSTER PL
392600510	3841 WESTMINSTER PL
392600520	3845 WESTMINSTER PL
392700030	3840 LINDELL BLVD
392700050	3824 LINDELL BLVD
392700060	3800 LINDELL BLVD
392700080	3750 LINDELL BLVD
392700090	3744 LINDELL BLVD
392700100	3740 LINDELL BLVD
392700170	3711 WEST PINE BLVD
392700190	3753 WEST PINE BLVD
392700195	3733 WEST PINE BLVD
392700200	3811 WEST PINE BLVD
392700205	3741 WEST PINE BLVD
392700220	3825 WEST PINE BLVD
392700230	3837 WEST PINE BLVD
392700240	3843 WEST PINE BLVD
392700250	3847 WEST PINE BLVD
392700260	3863 WEST PINE BLVD
392700265	3700 LINDELL BLVD
392800010	3860 WEST PINE BLVD
392800020	3852 WEST PINE BLVD
392800040	3842 WEST PINE BLVD
392800050	3838 WEST PINE BLVD
392800060	3820 WEST PINE BLVD
392800120	3700 WEST PINE BLVD
392800155	7 N SPRING AV
392800195	1 N SPRING AV
392800200	3715 LACLEDE AV
392800205	3717 LACLEDE AV
392800210	3721 LACLEDE AV
392800215	3731 LACLEDE AV
392800220	3737 LACLEDE AV
392800245	3741 LACLEDE AV
392800260	3747 LACLEDE AV
392800270	3751 LACLEDE AV
392800340	3863 LACLEDE AV
392800350	20 N VANDEVENTER AV
392800355	3757 LACLEDE AV

Parcel ID	Address
392800360	3800 WEST PINE BLVD
458500025	3890 WASHINGTON AV
458500030	3886 WASHINGTON AV
458500040	3880 WASHINGTON AV
458500051	3868 WASHINGTON AV
458500075	3858 WASHINGTON AV
458500090	3854 WASHINGTON AV
458500095	3850 WASHINGTON AV
458500100	3848 WASHINGTON AV
458500110	3840 WASHINGTON AV
458500125	3830 WASHINGTON AV
458500140	3820 WASHINGTON AV
458500150	3816 WASHINGTON AV
458500160	3810 WASHINGTON AV
458500165	3800 WASHINGTON AV
458500180	3701 OLIVE ST
458500210	3727 OLIVE ST
458500220	3739 OLIVE ST
458500230	3817 OLIVE ST
458500250	3821 OLIVE ST
458500260	3829 OLIVE ST
458500270	3831 OLIVE ST
458500280	3835 OLIVE ST
458500410	500 N VANDEVENTER AV
458500450	3892 WASHINGTON AV
503600010	3830 LINDELL BLVD
649300010	3530 PAGE BLVD
649300020	3534 PAGE BLVD
649300030	3536 PAGE BLVD
649300060	1118 N GRAND BLVD
649300070	1212 N GRAND BLVD
649300080	1220 N GRAND BLVD
649400010	920 N GRAND BLVD
649400030	900 N GRAND BLVD
649500020	3525 DELMAR BLVD
649600030	3510 COOK AV
650400060	303 S GRAND BLVD



**EXHIBIT II: MAP**

See attached Exhibit II: Map

**EXHIBIT III: CHAPTER 99, 100 AND 353 PLAN AREAS**

See attached Exhibit III: Chapter 99, 100 and 353 Plan Areas

**EXHIBIT IV: DESCRIPTION OF REDEVELOPMENT PROJECTS/PHASING/PROJECT COSTS**

	Total Estimated Redevelopment Project Costs	TIF Support (1) (2)	Completion Date
A. District Theaters/ Museums/Arenas		\$26,060,000 + or - 20%	
1. African American Museum	\$30,000,000		2006
2. Circus Flora/Flexible Performance Space	4,600,000		2011
3. Contemporary Art Museum	12,000,000		2003
4. Medinah Arts Center	5,460,000		2004
5. Moolah Theater	11,250,000		2010
6. SLU Arena	66,900,000		2005
7. Sun Theater	4,525,000		2007
B. District Parking		\$7,200,000 + or - 20%	
8. Garage I (1,000 Cars)	11,990,000		2006
9. Garage II (750 Cars)	8,985,000		2011
10. Symphony Plaza and Parking	7,200,000		2005
11. Garage III (750 Cars)	8,895,000		2006
C. District Green Space/ Public Improvements		\$11,530,000 + or - 20%	
12. Covenant Plaza	1,250,000		2010
13. Delmar Re-routing	1,000,000		2007
14. District Improvements	15,000,000		2004-2015
15. Urban Garden	879,000		2003
D. District Education/ Housing Projects		\$5,975,000 + or - 20%	
16. Charmaine Chapman Community Center	5,000,000		2006
17. Kim's Kids Daycare Center – Phase II	1,650,000		2006
18. Olive West Housing	22,455,000		2005
19. Village Academy	4,050,000		2006
	Total Estimated Redevelopment Project Costs	TIF Support	Completion Date
E. District Historic Rehabilitation Projects		\$11,360,000 + or - 20%	
20. Humboldt Building	5,200,000		2005
21. Metropolitan Building	14,060,000		2004
22. 634 N. Grand	4,945,000	(2)	2004
23. Woolworth's	6,390,000		2003
F. District Retail/Mixed Use Development Projects		\$17,670,000 + or - 20%	
24. Phase I	10,080,000		2006
25. Phase II	11,400,000		2010
26. Phase III	173,980,000		2008-2016

(1) Notwithstanding anything contained herein to the contrary, the maximum amount of TIF Notes shall not exceed \$80,000,000.

(2) \$3,200,000 of the TIF support will be allocated to pay the relocation and acquisition costs for the City of St. Louis in 2005; provided however, an appropriate allocation between the cost of relocation and acquisition has not been established at this time.

GRAND CENTER REDEVELOPMENT PROJECT PHASING														
	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
<b>A. District Theaters/Museums/Arenas</b>														
1. African American Museum														
2. Civic Floor/Theatre Performance Space														
3. Contemporary Art Museum														
4. Medical Arts Center														
5. Modern Theater														
6. St. J. Arena														
7. Sun Theater														
<b>B. District Parking</b>														
8. Garage I (1,000 Cars)														
9. Garage II (750 Cars)														
10. Symphony Plaza and Parking														
11. Garage III (750 Cars)														
<b>C. District Green Space/Public Improvements</b>														
12. Coventry Plaza														
13. Lecture Re-seating														
14. District Improvements														
15. Entry Garden														
<b>D. District Education/Housing Projects</b>														
16. Channing Chapman Community Center														
17. Kim's Kids Daycare Center - Phase II														
18. Olive West housing														
19. Village Academy														
<b>E. District Historic Rehabilitation Projects</b>														
20. Humboldt Building														
21. Metropolitan Building														
22. 634 North Grand														
23. Woodworth														
<b>F. District Retail/Mixed Use Development Projects</b>														
24. Phase I														
25. Phase II														
26. Phase III														

Of \$4,200,000 of the CTF support will be allocated to pay the relocation and acquisition costs of the City of St. Louis in 2005; provided however, an appropriate allocation between the cost of relocation and acquisition has not been established at this time.

**A. District Theaters/Museums/Arenas**

The redevelopment of the Area under this Plan includes the development of a series of theaters, museums, arenas and other public venues, and are anticipated to include the projects described below, however the identity, scope, size and timing set forth below may vary due to market conditions and demand.

**1. African American Museum**

Estimated Completion Date: 2006

This project will bring to St. Louis a major new institution dedicated to honoring the art, history, cultural and achievements of African Americans with special focus on Missouri and Illinois. The Urban League of St. Louis or a separate, affiliated 501 (c)(3) organization will be the owner and operator of the Museum. The planning committee has selected an extraordinary site. The site is located directly across Washington Avenue from Pulitzer Foundation for the Arts, which has recently opened to worldwide acclaim. The location will further the concentration of museums in this quadrant of Grand Center.

The African American History Museum will be housed in a new building that is expected to cost approximately \$30 million. The museum will consist of approximately 16,500 square feet of space and will include exhibit, educational, and storage. In addition, the planning committee is committed to funding an approximate \$8 million endowment for the museum. It is expected that the museum will draw approximately 75,000 to 100,000 visitors each year and will employ an estimated eight full-time equivalent employees. Automobile parking for the museum will be available on existing public parking lots and/or future parking garages in Grand Center; however, parking for school buses will be provided adjacent to the building.

**2. Circus Flora/Flexible Performance Space**

Estimated Completion Date: 2011

The popularity of circus arts, both as entertainment and as a serious learning device for children, has recently become widespread in the United States and Canada. The popularity of St. Louis' Circus Flora and their success in launching the St. Louis Arches, a youth acrobatic company, is local testimony to this fact. On an international basis, the phenomenal success of Cirque du Soleil, the 17-year old French Canadian theater circus, is also supporting evidence that circus arts are very much in demand as an entertainment form. Circus Flora has chosen to make Grand Center its permanent home while performing in St. Louis but Circus Flora will be touring a good part of the year. Grand Center wishes to build a permanent circus facility that will also provide a venue for Theater-in-the-Round when the circus is not in St. Louis.

The impact on the operating costs of the Circus Flora operations will be significant. The costs associated with transportation, assembly, maintenance and disassembly of the tent that Circus Flora currently uses contribute significantly to its overhead. And the educational components of Circus Flora are several restricted by the fact that the tent is not available year-round for training purposes.

Several cities around the country have recently built such facilities, but most are dedicated strictly to circus use and special events rentals. The permanent facility located in Grand Center would allow a more flexible use of the space to include a Theater-in-the-Round. This will yield a flexible space that can be used by several theater groups for presentations in a configuration that is not widely available in St. Louis.

**3. Contemporary Art Museum St. Louis**

Estimated Completion Date: 2003

The Contemporary Art Museum St. Louis is constructing a new facility at the corner of Washington Boulevard and North Spring Avenue. This new facility for the 20 year old institution, promises to give St. Louis a distinctive presence among the nation's contemporary art institutions. The Contemporary is already recognized as one of the leading contemporary art museums in the Midwest. In their new home, the Contemporary will continue its mission of educating and captivating the St. Louis community.

The 26,000 square foot facility, with an open design and striking west wall that will curve along North Spring Avenue, creates a synergy with the adjacent Pulitzer Foundation for the Arts. These museums will increase much needed daytime tourism to Grand Center and establish the area as an important destination, which already attracts 1.3 million visitors each year.

The Contemporary's education programs introduce young people to the area, including children and teens who would not otherwise experience contemporary art. New Art in the Neighborhood, for example, provides at-risk youth an opportunity to work with professional artists in a variety of art fields free of charge. The Contemporary and its neighbor Cardinal Ritter College Prep will provide after-school programming of visual and performing arts in the new museum space. Art Summer Camp introduces children to basic artistic concepts through curriculum that emphasizes hands-on activities that help develop critical thinking and visual art skills. These education initiatives will benefit students of all ages and talents and



will, in turn, reflect highly on St. Louis.

#### **4. Medinah Arts Center**

Estimated Completion Date: 2004

This building was originally constructed in 1906 as a single building facing Olive Street has been expanded over the years and is actually three buildings under one roof. The building has served many uses over the years including as a shrine temple for three St. Louis Masonic Order organizations and in its final configuration contains approximately 34,357 square feet of space. The building's south façade is decorated with cast iron, with white terra cotta embellishments on the upper three floors; the Medinah is an excellent example of gothic architecture.

Plans call for the re-use of this building as an Education and Performance Center that will house several smaller not-for-profit arts groups. Under terms of a funding proposal that has been sent to several foundations, Grand Center will operate the complex and provide a full-time Children's Education Director to coordinate the outreach and educational programs of the groups that occupy the space.

Grand Center currently houses many smaller arts groups in the Grandel Theater in a space that is both too large for their needs and too expensive for their budgets. The rehabbed Medinah will contain dedicated educational space, storage room, a restaurant, a common lobby/reception area and four black box theaters ranging in size from 74 seats to 204 seats. Hard cost estimates are provided by HBD Contractors.

There are three key goals that the rehabilitation of the Medinah will address:

- *Rehabilitate a long vacant building in Grand Center* – Grand Center, Inc. has owned the Medinah for approximately 15 years and to continue the momentum in the District we must rehabilitate this historic property.
- *Supply appropriate sized performance space for artists* – Over the years many small not-for-profit performing groups such as St. Louis Shakespeare, Atrek Dance, Gash/Voight Dance, Off-the-Cuff, River City Theatre and others have used the main stage of the Grandel Theater, which at 467 seats is simply too large for the audiences many of these groups draw. The Medinah will provide more appropriate space for these groups.
- *Provide better financial use of assets* – Grand Center currently loses approximately \$350,000 per year supporting the Grandel for the use of smaller groups. Through a naming rights program on the Grandel and more appropriate use of the Grandel's two theaters, Grand Center plans to reduce its dependence on charitable giving.

#### **5. Moolah Theater**

Estimated Completion Date: 2010

Various studies conducted in the St. Louis area over the past several years emphasize the need for additional theater space ranging from 1,000 to 1,200 seats. The most thorough of these studies was completed in October, 1998 by Theatre Projects Consultants, Inc. and Lord Cultural Resources Planning and Management, Inc. on behalf of St. Louis 2004. The recommendations of this comprehensive analysis of performing arts facilities needs in the Greater St. Louis area include:

- "The focus (should be) on Grand Center because of the existing investment into this arts district."
- "The inventory facilities in Grand Center include two large spaces: the Fox and Powell Symphony Hall. Grand Center also includes two smaller facilities: The Grandel and the Sheldon."
- "Grand Center is in the City of St. Louis and in an area that is in need of revitalization and enlivening. Many neighborhoods around Grand Center may benefit from additional cultural activities and facilities."
- "The missing facility type in Grand Center is a 1,000 to 1,200 seat proscenium theater with full stage house."

The rehabilitation of the Moolah Temple is designed to address this last point specifically. The Moolah is located on the southeastern corner of the District directly across Lindell from the St. Louis University campus. This 80,000 square foot building was originally built in the early 1920s with a decorative Arabesque motif on the façade and throughout the building. The proposed redevelopment plan calls for entirely modernizing the facility, while maintaining its exquisite character.

The use of the building will be as a proscenium theater that will accommodate up to an estimated 1,100 seats depending on the configuration. There is also approximately 18,000 square feet of space that will be available as rehearsal, office or support space to theater or educational groups. Alternatively, this space could be leased for commercial office use.

In addition, there is a full basement with 15 foot ceilings and natural light that will provide excellent support space for theater shop and crew needs. Plans call for a large lobby/reception area and rehabilitating the building to comply with ADA

regulations.

**6. Saint Louis University Arena**

Estimated Completion Date: 2005

The University Board of Trustees of Saint Louis University has authorized preparation of a feasibility study for an arena. The arena would host a variety of functions, including plays, concerts, cultural events, community events, speakers, trade shows, academic conferences, commencements and sporting events. Seating capacity will be an estimated 13,000 seats in a flexible configuration to allow for a wide range of events expected to take place within the arena.

**7. Sun Theatre**

Estimated Completion Date: 2007

Built in 1913 by the German Theatre Society of St. Louis, the Sun has served as home to more than six theaters or religious organizations throughout the years. An example of substantial construction, this 21,750 square foot building has withstood years of disuse and neglect that would have demolished many lesser buildings. With its alternating terra cotta masonry façade, sixty-foot main auditorium ceiling, and exceptional craftsmanship, makes the re-use of this building in the heart of Grand Center a priority.

**B. District Parking**

The redevelopment of the Area includes the construction of several garages including the garages described below. The exact size, location of the garages and timing may vary due to market conditions and demand.

**8-10. Garage I, Garage II and Garage III Parking Structures**

Estimated Completion Date: 2006 - 2011

These three garages will contain approximately 2500 parking spaces. It is anticipated that the first garage that will be developed will contain up to 1500 parking spaces and will be developed by 2006 on land owned by Fox Associates. The remaining parking garages will be developed by Grand Center (or Sub-Developers) at other appropriate locations in the Area. These garages will supply parking for the residents of the Area and parking for various venues in the District and the proposed Saint Louis University Arena. When a popular show is on stage at the Fox, its 4,500-seat venue creates significant demand for parking. When the Sheldon Concert Hall has an event at the same time as the Fox, demand for parking west of Grand is enormous. In addition, the 80-unit University Club Apartments, Gary's Restaurant and Crown Optical provide daily demand and 24-hour parking. These garages are intended to support some of these parking demands.

Grand Center currently owns approximately 30% of the 2,591 surface parking spaces in the District, making it the largest parking owner in the area. But one of the major development goals of Grand Center is to develop structured parking facilities, in order to "roll up" surface parking and make it available for real estate development. Grand Center will never accomplish its goal of creating an urban arts, entertainment and education district as long as nearly one half of the ground in the core of the District is composed of surface parking lots.

The exact size and number of the Garages will be influenced by several factors. The most important of which will be Saint Louis University's decision regarding the location of its Arena. Second will be the location and size of other garages in the District. Currently, the Scottish Rite is finalizing plans to construct an approximately 500-car garage on Olive behind its temple located on Lindell. Grand Center and Veterans Affairs are finalizing plans to co-develop a 500-1,100-car garage on Delmar at Grand. The size of this facility will be dictated by the amount of Federal funding available to support construction.

These planned garages, when combined with existing garages at Saint Louis University, will provide the necessary parking should the Arena be built in Grand Center and fulfill parking needs on virtually all peak night parking demand. The opportunity will then exist for Grand Center to begin the aggressive marketing of current surface parking for commercial development throughout the core District.

The importance of freeing land for development can not be overstated in the overall strategy of development for the build-out of Grand Center. The need for restaurants and clubs is often cited as the way Grand Center needs to establish itself as a destination District. But with half the land vacant, only on those few days during the year when all the venues are operating does the District have a sense of vibrancy that makes it attractive. To accomplish our larger goal, Grand Center must attract businesses and residents that will support restaurants year around. No restaurant can succeed in a District that brings patrons for only a few hours before performances and then only seven or eight months of the year.

**11. Symphony Plaza and Parking**

Estimated Completion Date: 2005

Powell Symphony Hall is a magnificent home for St. Louis' world class Symphony Orchestra, seating 2,700 people in one of the most acoustically pleasing music halls in the nation.

Grand Center, as owner of the 28,800 square foot lot adjoining the Powell Symphony Hall, has proposed the development of Symphony Plaza – a two-story structure, providing underground parking and an outdoor greenspace. This development will enhance the entire district, but most directly benefit Powell Symphony Hall. In an effort to enhance the financial condition of the Symphony, management has approved the installation of a new HVAC system, allowing the facility to be used year-round. With similar consideration, Symphony Plaza will enhance the utility of Powell Hall for events in a variety of weather conditions.

There are two sets of numbers presented for this project: One, for a freestanding parking facility with a greenspace on its roof, which would not be structurally connected to Powell. The second for an integration of this project with Powell Symphony Hall, including the construction of a new lobby entrance from the roof of the plaza. Due to the acoustical quality required for performances in the Hall, a feasibility review needs to be conducted to determine if the planned second lobby affects the Hall. Either way, the parking structure and the greenspace are needed and the amount of TIF funding required is the same for either project.

The parking garage will service approximately 185 cars with a weather-secure drop-off access.

### **C. District Green Space/Public Improvements**

The redevelopment of the Area includes the construction of green space and public improvements as described below. The exact size, type, location and timing of the green space and public improvements may vary due to market conditions and demands.

#### **12. Covenant Plaza**

Estimated Completion Date: 2010

This approximately 47,000 square foot plaza is designed to serve as the entryway into the Covenant Place neighborhood. This concept was developed as part of the North Central Master Plan, which was a neighborhood-based planning initiative undertaken in 1998-99. The Master Plan identified the high profile project as a key identification element giving definition to the Covenant Place neighborhood, thereby adding value and enhancing marketability of the 80 new housing units being developed as part of the Plan. To date, fifteen of the homes have been developed and have been sold for prices ranging from approximately \$83,000 to \$200,000.

The Plaza was designed by Pyramid Architects, a sister company of Pyramid Construction, and the developers of the new housing project. The recently approved Hope VI Project will provide additional funding for continued housing construction in Covenant Place.

It is estimated that the Covenant Plaza housing project will be built out in 2005 reflecting total investment of approximately \$12 million. Total development costs of Covenant Plaza include costs associated with acquisition, demolition and site preparation. Covenant Plaza will be identified by an entry marker and will have a water feature, landscaped seating and a small community gathering space for outdoor functions.

#### **13. Delmar Street Re-routing**

Estimated Completion Date: 2007

Delmar is a major east/west thoroughfare in St. Louis. The construction of Cardinal Ritter College Preparatory High School necessitated the closing of this major artery between Spring Avenue west to Vandeventer. It was contemplated in the Vandeventer – Spring Area Redevelopment Plan (the "VSRP") that the City of St. Louis would pay the connection cost from Delmar to Enright Avenue (one block north) to maintain a convenient flow of traffic. However, recognizing that the City does not have funds readily available for this project and that the relocation is an important step in preparing the Grand Center District for overall development, Grand Center is including this project as part of the District TIF.

This project will not likely see early resolution without special funding. The parcels involved are seriously blighted properties and require environmental remediation.

The acquisition, remediation, and future development of these parcels is important to the future of all the institutions and businesses in Grand Center. The total amount of land to be assembled will be approximately 27,594 square feet, and some or all utilities will be relocated.

#### **14. District Improvements**

Estimated Completion Date: 2004-2015

Using the Mangurian Plan, as amended, as a guide for District development, this project calls for safety features and other enhancements to the district through beautification of streets, alleys, sidewalks, and lighting. Plans call for installation of

historic double cast iron fixtures along Grand Boulevard from Delmar to Cook and on Laclede Avenue between Grand Boulevard and Spring Avenue. Granite curbs and a granite paving pattern will match the existing streetscape improvements south from Delmar to Lindell along Grand Boulevard, and again on Laclede Avenue from Grand to Spring. District alleys, with re-installed brick pavement and new lighting, will serve as pedestrian thoroughfares, connecting one venue to the other, eventually adding retail businesses in some of the more heavily trafficked areas.

The areas included in the District improvements project include, but are not limited to:

- A. Improvements on Grand Boulevard
- B. Improvements on all district streets
  - Decorative streetlights
  - Trees and tree grates
  - Granite curbs
  - Installation of new sidewalks
  - Streetlight wiring
- C. Destination lighting
- D. Laclede Avenue pedestrian mall and streetscape improvements.
- E. District alleys/Pedestrian thruway renovation
- F. Utility relocation costs

## 15. Urban Garden

Estimated Completion Date: 2003

This small, white rock church, originally built in the late 19th century, was home to a 100-member congregation until a late night fire in April 2001, reduced the wooden interior and roof to ash. What remains is a significant, graceful stone façade, making it ideal space for an urban sculpture garden. Bringing an element of nature and antiquity to the site, the completed project will invite district visitors and residents to linger within the comfortable garden atmosphere, enjoying a relaxing haven in the heart of Grand Center.

Grand Center, Inc. already owns the ground to the north of the structure (approximately 4,900 square feet) and has been in discussions with the representatives of the property regarding the acquisition of the property, which comprises approximately 3,500 square feet.

Grand Center has asked the assistance of staff and board members of the St. Louis Art Museum, Laumeier Sculpture Park and The Contemporary Art Museum to assist in the design of this project. This ruin and the vacant plot sit directly across Spring Avenue from the new Cardinal Ritter College Prep High School. In their current conditions, these properties serve as a blighting influence on the entire District. However, as envisioned, this space will preserve an important historic St. Louis artifact, add value to all surrounding properties and provide an important greenspace in the District. It is anticipated that Grand Center, Inc. will retain ownership of the property and be responsible for its maintenance. It is anticipated that TIF funds will be used only for the acquisition, clean up and stabilization of the church property and site preparation and development of the north parcel.

## D. District Education/Housing Projects

The redevelopment of the Area includes the construction of several education and housing projects as described below. The exact size, type, location and timing of the education and projects housing may vary due to market conditions and demands.

### 16. Charmaine Chapman Community Center

Estimated Completion Date: 2006

This approximately 30,000 square foot multi-purpose facility will be developed and operated by the Vashon/Jeff VanderLou Initiative, a Missouri not-for-profit corporation, in conjunction with the Blumeyer Tenant Association and the Grand Rock Community Economic Development Corporation. It is likely that the STL Housing Authority will be a partner in the development and may possibly hold title to the building and lease it to JVL for operation.

The community center will house an estimated 30-station computer lab (operating in cooperation with the St. Louis Community College), a health and fitness center, snack bar and teen room. It is anticipated that 250 children will use the facility each day. Adults will be served by the facility with large conference rooms, a kitchen with warming stations. On-site parking of approximately 70 spaces will be available and additional parking will be available at St. Alphonsus Rock and St. Luke's Missionary Baptist Church through a cooperative parking agreement.

The owners and operators of the facility have planned this as a vital component of the Hope VI Project recently approved by the Department of Housing and Urban Development. Of the \$5 million required to construct the facility \$2 million will be provided by HUD as part of the part of the Hope VI Revitalization Program and the Sustainable Neighborhood Initiative, and program created by the St. Louis 2004 organization. The facility will employ approximately eight full-time staff and

as many as 15 part-time staff and instructors

Named to honor Charmaine Chapman, the late President and CEO of the United Way of Greater St. Louis, this facility will serve an area often forgotten when providing invaluable community improvements.

**17. Kim's Kids Daycare Center**

Estimated Completion Date: 2006

Kim's Kids, Inc. will operate a 24-hour, seven-day-a-week, child care facility in Grand Center. Kim's Kids of Missouri is a for-profit enterprise that is owned and operated by Kim's Kids, Inc. The owners of Kim's Kids, Inc., have extensive experience in the child care industry and operate one of the most successful child development centers in the Midwest, located at 1001 Missouri Avenue in East St. Louis, Illinois, which has been in continuous operation for ten years. This facility will be built in a series of phases.

The facility in Grand Center will be located at 720 North Leonard Street and will contain approximately 10,000 square feet of new construction. The building, ground and equipment costs for Phase I are expected to be approximately \$1,800,000 based on estimates from Korte Construction Company. The facility will employ approximately 50 full-time equivalent employees and care will be provided for 250 children. The first facility will contain one indoor multipurpose room, which will serve as an indoor playroom, ten classrooms, and a dining facility that will serve 100 children at any one time. The grounds will contain approximately 5,590 square feet of playground area that will be fenced. On site surface parking for 20 cars will be included.

Plans for Phase II calls for construction of a \$1 million family fun center – a non-alcoholic facility, allowing parents to spend time with their children in a safe, comfortable, neighborhood environment. Phase III is planned as retail shops located adjacent to or near the fun center. All the shops, which are estimated to cost \$600,000 in construction, are planned as “family friendly”, relating to the child care business and providing a reliable revenue stream to the facilities. The center will provide much needed child care for mothers and fathers returning to the workforce or entering for the first time.

**18. Olive West Housing**

Estimated Completion Date: 2005

The proposed owner-occupied housing in the 3700-3800 block of Olive Street was originally adopted as part of the Vandeventer-Spring Area Redevelopment Plan (“VSRP”). (The Vandeventer-Spring Redevelopment Corporation is a subsidiary of Grand Center, Inc.) This large single block is currently in a state of serious blight. Only one single residence remains habitable and approximately 50% of the land is vacant. The plan presented herein is consistent with the Redevelopment Plan contemplated, but Grand Center wishes to use TIF funds for land acquisition, remediation and site preparation. The housing will be built without tax abatement.

There is a significant number of new rental residential units under construction or planned as part of the proposed Grand Center District TIF. However, these are rental units rather than condominiums because the use of Federal Historic tax credits for rehabilitation requires corporate ownership. Collectively, the State and Federal Tax Credits provide approximately 40% of the cost of rehabilitation of major rental housing projects such as the Coronado Apartments and the Continental Life Building. Both of these buildings had been vacant for many years and are now being transformed to add value and economic vitality to the entire Grand Center District.

Included in the District TIF proposal are three additional buildings which will contain approximately 200 units of rental housing. These units will be rental because, like the Continental and Coronado buildings, they will be dependent upon Historic Tax Credits.

There is a significant potential market for single family, for-sale units in the District. The original proposal contained in the VSRP Plan calls for approximately 85 units of such housing. This proposal will follow that Plan but will use TIF funding rather than tax abatement to achieve the development.

**19. Village Academy**

Estimated Completion Date: 2006

Village Academy's mission is to address the needs of the young child, providing critical support in the areas of education, self-esteem, and socialization, while also serving the needs of the entire family. The facility will be operated 24 hours a day, five days a week, accommodating parents working non-traditional hours, providing daycare to families who need before and after school care.

The 24,000 square foot facility will serve up to approximately 630 children per day with infant suites, library and play area, enriching young lives with workshops provided by local artists, scientists, musicians, physicians, and others. Eventually, classrooms accommodating more than 100 adults receiving life skills training will be included in the facility.

Developed by Sam and Pam Britts, the Village Academy has supporters from the St. Louis area who have been involved in the development of facilities and programs designed to strengthen the family from throughout the City, including A.G. Edwards, the Dana Brown Foundation, Saint Louis University, and Grand Rock Community Economic Development Corporation.

After research, the founders of Village Academy set about to fill a gap in the area of quality early childcare and education programs available in the Grand Center area. They knew that Grand Center was in need of a facility offering round-the-clock childcare to accommodate the many mothers and fathers whom worked in a variety of positions in the nearby hospitals. Aiming to combine their belief in early childhood education with a niche that yet to be filled, Village Academy was created.

While funding from well-known foundations and organizations has been provided, Village Academy is lacking "one big gift." Knowing that the need for well run childcare centers providing quality programs is on the rise, board members are certain others will follow after one a large donation is made. Their request for TIF funding, if received, will fill that void.

#### **E. District Historic Rehabilitation Projects**

The development of the Area includes rehabilitation of several historic buildings described below. The exact size, type, location and timing of the rehabilitation projects may vary due to market conditions and demands.

##### **20. Humboldt Building**

Estimated Completion Date: 2005

The Humboldt Building is a strategically located historic building in the heart of Grand Center, at 534 North Grand, just north of the Fox Theatre.

It has been vacant and unproductive for over twenty years.

Using a combination of federal and state historic tax credits and TIF proceeds, this six story building will be renovated to provide street level retail / restaurant space, a possible expansion of the Fox Club, and over 30,000 square feet of office space. Based on market demands, the building may be rehabilitated for use as residential or hotel usage instead of office space.

##### **21. Metropolitan Building**

Estimated Completion Date: 2004

The Metropolitan Building, located on the northeast corner of Grand and Olive, is a high profile historic building in Grand Center. This eight-story structure contains over 80,000 gross square feet and has only one remaining tenant. There is 13,000 square feet on ground floor, including a lobby to access the upper floors, and approximately 11,700 square feet is designed for retail use. There is approximately 70,000 square feet of space suitable for residential use on floors two through eight. The building includes an adjacent 62-car surface parking lot.

The building is owned by an educational trust that does not wish to sell the building but, rather, wishes to enter a 50-year lease with Grand Center. An option to purchase the building at the end of the lease period is included with the lease as the same is being negotiated.

The trustees of the educational trust have expressed concern that the trust's interest in the building could be compromised if the building incurred debt for residential development and underwent foreclosure. Therefore, the building will be divided into two condominium units; a "Commercial Unit" comprised of the first floor and the parking lot and a "Residential Unit" composed of floors two through eight plus an easement right to construct a two-story garage on the parking lot to serve the residents of the "Residential Unit".

This structure will allow each "unit" to arrange its own financing and not encumber the financial integrity of the other unit. The rationale of the trustees is that they are more willing to allow the upper floors to remain vacant (and get income only from the retail space and the parking lot) than they are to risk the entire building by encumbering it with debt to develop the upper floors. This alternative is not acceptable to Grand Center nor should it be to the City of St. Louis.

Grand Center is in need of residents and daytime workers to support restaurants and retail shops year around. And it is simply unacceptable to allow the upper floors of this building to remain vacant. The Metropolitan Building is located in the Grand Center Historic District and will qualify for Federal and State Historic Tax Credits. This prime building can become a significant asset to Grand Center and the city by taking advantage of this opportunity to rehab this building. The building can be secured for redevelopment without acquisition costs, but because of the length of the lease, the redeveloper will qualify for historic tax credits. Amrit Gill, the developer of the Coronado Hotel has expressed strong interest in redeveloping this building. Based on market demands the building may be rehabilitated for use as office space or hotel usage instead of residential.

**22. 634 North Grand**

Estimated Completion Date: 2004

This building was originally built as The Missouri Theater Building in the early 1920s. It housed the Missouri Theater and several commercial tenants on the first floor and, for many years, the building served as a major center for medical offices. The Missouri Theater, located on the south end of the building with access from Grand Avenue, was one of the major theaters on Grand Avenue. The theater itself was torn off of the building approximately 25 years ago.

The building, which is owned by the City of St. Louis, has been functionally challenged for many years. It houses various City Health Department agencies and non-profit arts and education organizations. The building is not fully ADA compliant and is in severe need of complete rehabilitation. The building's major mechanical systems (except for two recently rebuilt elevators) and the HVAC systems are obsolete and the building functions poorly as a center for heavy inter-departmental contact within the Health Department.

In order to re-use the first floor of this building and have the occupants of and visitors to the building interact with the Area, the City of St. Louis will transfer ownership to Grand Center, Inc. or its designee in 2004 for \$3,200,000 as consideration for the relocation and acquisition costs; provided however, an appropriate allocation between the cost of relocation and acquisition has not been established at this time. Grand Center will identify a suitable developer to rehabilitate and operate the first floor of the building. Therefore, the proposed use of funds component of this project includes TIF financing for a portion of the rehabilitation costs as well as \$3,200,000 for the cost of relocation and acquisition.

**23. Woolworth's Building**

Estimated Completion Date: 2003

The Woolworth Building located at the corner of Grand and Olive has been a prominent landmark in St. Louis since it was first built in 1932. It was the scene of a prominent robbery in 1948 and was one of three St. Louis stores picketed by civil rights in 1963. The historic protest in 1963 was in protest of segregation at the lunch counters throughout the St. Louis area and the high profile arrest of the Reverend Dr. Martin Luther King, Jr. in Birmingham, Alabama. The building has been empty since 1983 when Woolworth closed its stores in the St. Louis area.

The Woolworth Building was acquired for redevelopment by Grand Center, Inc. in mid-2001. The building contains approximately 42,000 square feet of space and has qualified for both State and Federal Historic Tax Credits. Several private developers have worked on redevelopment plans since the building closed 18 years ago, but no one has been able to present a viable financial scenario. However, the current redevelopment of the Continental Building now presents a unique opportunity to rehab this St. Louis landmark and further the development momentum in Grand Center.

The first floor is planned for retail and will include a restaurant, sports rehabilitation clinic, a delicatessen and offices for a local professional organization. The second floor will be developed into conventional office space and will have access at to the Continental Life Building immediately adjacent on the west. This will provide direct access to the meeting rooms, the health club, the swimming pool and the club room, covered parking and other amenities provided to tenants of the Continental Life Building. The third floor will be developed as office/apartment suites with six containing walkout terraces overlooking Grand and Olive on the small setback rooftop of the second floor. The amenities afforded the second floor tenants will also be available to the tenants of the third floor. Current plans also contemplate an outdoor dining space on the roof of the third floor.

**F. District Retail/Mixed Use Development Projects**

The development of the Area includes development of several retail and mixed use developments. The exact size, timing, location and timing of the retail and mixed use development may vary due to market conditions and demands.

**24. Phase I**

Estimated Completion Date: 2006

Saint Louis University recently acquired a key development site at the northeast corner of Grand Avenue and Lindell Boulevard. This is one of the most high profile development sites in the city and should be home to a new mixed use development. In order to assemble this site, which now contains approximately 45,235 square feet, the University acquired and demolished three buildings – a former fast food restaurant, a building known as the Marina Building and a building known as the Feathers building.

The University's announced plans are to offer this site for development under a long-term land lease to private developers. In order to enhance the development of this site and provide for a quality development Grand Center, Inc. has included TIF financing for this site. It should be noted that tax abatement would not be used at this site.

It was anticipated that a build-to-suit office/commercial user would be attracted to this site. Several such potential users have expressed preliminary interest in such a site for a 72,000 square foot building based on the amount of development

activity at Saint Louis University and in Grand Center.

**25. Phase II**

Estimated Completion Date: 2010

When viewing the Grand Center District development in the context of the “Steeple to Steeple” original plan, it is apparent that retail development north of Delmar, on the west side of Grand Bell to Finney and Cook to Page was not considered.

There is currently no development plan for this 180,000 square foot section of the District. The District TIF, though, can provide funding for public improvements in this area, taking advantage of development in other District areas for which there was a plan. With the development of Covenant Plaza directly across from St. Alphonsus Church, this property will be a development opportunity in the near future.

This development is likely to have one- or two-story retail shops and no structured parking. However, with the Hope VI project being developed and significant residential development occurring further south on Grand, it is likely that neighborhood support and convenience retail development will occur.

While this development is impossible to fully define at this point, good planning dictates addressing all the obvious opportunities for near-term development in the program. It is highly unlikely that if the Hope VI project and development contemplated by the rest of the program move forward, that this opportunity for retail development would not be developed.

**26. Phase III**

Estimated Completion Date: 2008 - 2016

Grand Center owns a number of sites that are used as surface parking lots. As the implementation of the Plan progresses, it is anticipated that these sites should be home to a series of new mixed use developments. In order to enhance the development of these sites and provide for a quality development Grand Center, Inc. has included TIF financing for these sites. It should be noted that tax abatement would not be used at these sites.

It was anticipated that over the term of the Plan, a number of build-to-suit office/commercial users would be attracted to these sites. Several such potential users have expressed preliminary interest such developments and it is anticipated that over the next fourteen years, 900,000 square feet of such mixed use development could occur.

**EXHIBIT V: PROJECTIONS**

See Exhibit V: Projections on file in the Register's Office

**EXHIBIT VI: FINANCING**

August 1, 2002

Mr. Vincent C. Schoemehl, Jr.  
President and CEO  
Grand Center, Inc.  
634 North Grand Avenue  
St. Louis, Missouri 63103

RE: Grand Center TIF Redevelopment Project (the “Project”)

Dear Vince:

We have reviewed the application for the proposed Grand Center TIF District, as well as numerous supporting documents and schedules. We have reviewed the list of projects to be financed with TIF revenues and obligations and the projected timing thereof. We have further reviewed the revenues that are currently projected to be generated by the Project and the remainder of the District, and have had conversations with you, certain consultants and attorneys regarding the Project.

Having reviewed the application and the revised revenue projections prepared by Ken Christian we commit that, subject to market conditions at the time of the sale, further due diligence and our approval of terms, conditions and documentation, we will privately place tax increment financing notes or other debt instruments to finance the costs of the Project.

We look forward to working with you, the TIF Commission and the City with regard to the Project and stand ready to provide input regarding the financing of the Project.

Sincerely,



/s/

Laura Mirkin Radcliff  
Managing Director - Investment Banking

c: Barbara Geisman

All other letters of intent on file in the Register's Office

**EXHIBIT VII: DEVELOPERS' AFFIDAVITS**

**TIF COMMISSION - CITY OF ST. LOUIS  
GRAND CENTER PROJECT**

TO: TAXING DISTRICTS  
TIF COMMISSIONERS

FROM: GRAND CENTER, INC.

DATE: August 2 , 2002

RE: GRAND CENTER  
REDEVELOPMENT AREA

The undersigned has reviewed the Tax Increment Blighting Analysis and Redevelopment Plan dated August 2, 2002, for the Grand Center Redevelopment Area (the "Redevelopment Plan"). Grand Center, Inc. submitted an application dated June 28, 2002, for the development of the Redevelopment Area under the Redevelopment Plan (collectively, the "Application"). The undersigned hereby certifies that "but for" the receipt of the benefits tax increment financing as described in the Redevelopment Plan, the undersigned would not pursue and complete the Projects in accordance with the Application and as described in the Redevelopment Plan.

GRAND CENTER, INC.

By: /s/

**TIF COMMISSION - CITY OF ST. LOUIS  
CONTEMPORARY ART MUSEUM PROJECT**

TO: TAXING DISTRICTS  
TIF COMMISSIONERS

FROM: CONTEMPORARY ART MUSEUM

DATE: August 2 , 2002

RE: GRAND CENTER  
REDEVELOPMENT AREA

The undersigned has reviewed the Tax Increment Blighting Analysis and Redevelopment Plan dated August 2, 2002, for the Grand Center Redevelopment Area (the "Redevelopment Plan"). Grand Center, Inc. submitted an application dated June 28, 2002, for the development of the Redevelopment Area under the Redevelopment Plan (collectively, the "Application"). The undersigned hereby certifies that "but for" the receipt of the benefits tax increment financing as described in the Redevelopment Plan, the undersigned would not pursue and complete and operate the Contemporary Art Museum Project in accordance with the Application and as described in the Redevelopment Plan.

CONTEMPORARY ART MUSEUM

By:

**TIF COMMISSION - CITY OF ST. LOUIS  
AFRICAN AMERICAN MUSEUM PROJECT**

TO: TAXING DISTRICTS  
TIF COMMISSIONERS

FROM: AFRICAN AMERICAN MUSEUM

DATE: August 2 , 2002

RE: GRAND CENTER

## REDEVELOPMENT AREA

The undersigned has reviewed the Tax Increment Blighting Analysis and Redevelopment Plan dated August 2, 2002, for the Grand Center Redevelopment Area (the "Redevelopment Plan"). Grand Center, Inc. submitted an application dated June 28, 2002, for the development of the Redevelopment Area under the Redevelopment Plan (collectively, the "Application").

The undersigned hereby certifies that "but for" the receipt of the benefits tax increment financing as described in the Redevelopment Plan, the undersigned would not pursue and complete and operate the African American Museum Project in accordance with the Application and as described in the Redevelopment Plan.

## AFRICAN AMERICAN MUSEUM

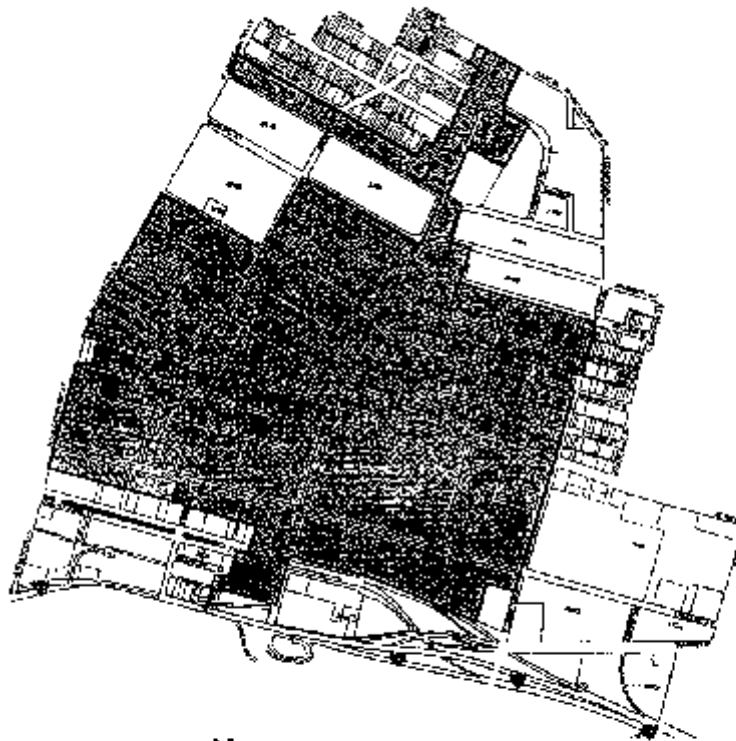
By:

See all other Developers' Affidavits are on file in the Register's Office

**Approved: December 10, 2002**

**ORDINANCE NO. 65703 - EXHIBIT II: MAP**

65703

EXHIBIT II: MAP

proposed TIF Boundary (28 June, 2002)  
(Modified 31 July, 2002)



0 425 850 1700  
Scale 1 inch = 850 Feet

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This map is a reproduction of the TIF map filed with the City of St. Louis.

## ORDINANCE NO. 65703 - CHAPTERS 99, 100 &amp; 353 MAPS



**ORDINANCE #65704**  
**Board Bill No. 270**

An Ordinance, recommended and approved by the Airport Commission, the Board of Public Service, and the Board of Estimate and Apportionment, authorizing and establishing a multi-year public work and improvement program (the "Program") at Lambert-St. Louis International Airport (the "Airport"), consisting in part of a project providing for the acquisition of real and personal property rights for the purpose of noise mitigation, aviation obstruction removals, land use compatibility, and/or the development and improvement of the Airport, said acquisitions being in fee simple title or lesser estate including, without limitation, easements, permits, licenses, rights-of-way relative to the real property together with all improvements and fixtures thereon and appurtenances thereto located within the geographical boundaries described in "EXHIBIT A", which is attached hereto and incorporated herein, such authorization including, without limitation, the acquisition of aviation easements, the utilization of "Functional Replacement" for the acquisition of land and improvements acquired hereunder, relocation assistance and related costs or services, legal services and related costs, engineering, architectural, designing, planning, and other technical advice and assistance, surveying, mapping, appraisal, escrow, closing, and title service and work and related costs, title insurance costs, inspection services, environmental and remediation services and related costs, environmental mitigation costs, environmental assessments, real estate management or consulting services and related costs, and other real estate services including, without limitation, technical advice and assistance in regard to the preparation of real property for the purposes of airport compatible redevelopment and/or land use compatibility and related work or costs, property management and maintenance services and related costs, the relocation of buildings, facilities, structures, and improvements including, without limitation, utility facilities and lines, project and construction management and related consultant and management expenses pertaining to the planning, designing, design management, value engineering, feasibility analysis, and consulting, the preparation and production of contract documents, the advertising and the taking of bids or proposals, development of staging areas, construction, installation, and renovating costs, the demolition and the removal or relocation of buildings, structures, facilities, utilities, trees, improvements, and other obstructions, including, without limitation, the disinterment, transportation, and reinterment of human remains and other technical assistance and related or necessary services and costs, the grading and seeding of disturbed areas and related work, ground maintenance services and related costs, the leasing and/or modification, renovation, and construction of office facilities for the administration of the Program and the construction, renovation and operation of on-site field offices, security services and related costs, and other necessary or related work or services for the development, management, implementation, administration, or monitoring of the Program at a total estimated cost of approximately Twenty Five Million Dollars (\$25,000,000); authorizing an initial appropriation of Two Million Dollars (\$2,000,000) from the Airport Development Fund established under authority of Ordinance 59286, Section 13, approved October 26, 1984 and Six Million Dollars (\$6,000,000) from the Passenger Facility Charge Fund established under authority of Ordinance 62501, Section 6, approved February 10, 1992, to be expended for payment of costs for work or services authorized herein and providing for the receipt of supplemental appropriations, when authorized by ordinance, into this Ordinance as funds become available to continue the Program; authorizing the City Counselor to acquire on behalf of the City of St. Louis (the "City") said real and personal property rights including, without limitation, easements and rights-of-ways by purchase, lease, or condemnation; authorizing the City Counselor with the approval of the City's Board of Estimate and Apportionment to enter into agreements to acquire, by purchase or lease, said real and personal property rights including, without limitation easements, permits, licenses, and rights-of-way and to secure legal and related services necessary for the implementation and administration of the Program; authorizing the Mayor and Comptroller of the City to enter into and execute on behalf of the City agreements and/or instruments granting such easements or rights-of-way as are deemed necessary to the administration or the implementation of the Program and containing such terms, covenants, or conditions that are in the best interest of the City, the City's residents, and the traveling public; authorizing the Director of Airports with the approval of the City Counselor and the City's Board of Estimate and Apportionment to let contracts providing for appraisal, escrow, closing, and title work or services and related costs for the implementation and administration of the Program; authorizing the Director of Airports with the approval of the Airport Commission and the City's Board of Estimate and Apportionment to let contracts, purchase supplies, materials, and equipment, employ labor, pay salaries, wages, fees, retain consultants and technical advisors, and otherwise provide for ground maintenance including, without limitation, the seeding and cutting of grass, the trimming or removing of trees or shrubbery, and other ground maintenance of the real property; authorizing the Board of Public Service with the advice, consent and approval of the Director of Airports to let contracts for all other approved Program work or services, purchase supplies, materials, and equipment, employ labor, pay salaries, wages, fees, retain consultants and technical advisors including, without limitation, real estate or property management and maintenance services, and otherwise provide for the Program as authorized herein; providing that any contract let hereunder, shall be subject to the City's Charter and any Missouri State laws or regulations applicable thereto; authorizing and directing the Comptroller of the City to draw warrants from time to time on the Treasurer of the City for the payment of expenses or reimbursement of expenses authorized herein upon submission of properly certified vouchers in conformance with procedures established by the Comptroller; authorizing the Director of Airports to make such applications and provide such data and to take whatever action necessary to seek funds under the Airport Improvement Program, the Passenger Facility Charge Program or other local, state, or federal programs for the Program costs or expenditures authorized herein where such costs or expenditures are deemed eligible and monies made available for those costs under federal, state, or local law or contract and to authorize the deposit of such funds into this Ordinance to reimburse the costs in part of the Program or the payment of costs authorized herein; directing that all contracts let under authority of this Ordinance be in compliance with all applicable minority and women or disadvantaged business enterprise requirements and in compliance with all applicable federal, state, and local laws, ordinances, regulations, court decisions and executive orders relating to equal employment opportunity; and containing a severability clause and an emergency clause.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS, AS FOLLOWS:**

**SECTION ONE.** There is hereby authorized a multi-year public work and improvement program (the "Program") at Lambert-St. Louis International Airport (the "Airport"), consisting in part of a project providing for the acquisition of real and personal property rights for the purpose of noise mitigation, aviation obstruction removals, land use compatibility, and/or the

development and improvement of the Airport, said acquisitions being in fee simple title or lesser estate including, without limitation, easements, permits, licenses, rights-of-way relative to the real property together with all improvements and fixtures thereon and appurtenances thereto located within the geographical boundaries described in "EXHIBIT A", which is attached hereto and incorporated herein, such authorization including, without limitation, the acquisition of aviation easements, the utilization of "Functional Replacement" for the acquisition of land and improvements acquired hereunder, relocation assistance and related costs or services, legal services and related costs, engineering, architectural, designing, planning, and other technical advice and assistance, surveying, mapping, appraisal, escrow, closing, and title work and services and related costs, title insurance costs, inspection services, environmental and remediation services and related costs, environmental mitigation costs, environmental assessments, real estate management or consulting services and related costs, and other real estate services including, without limitation, technical advice and assistance in regard to the preparation of real property for the purposes of airport compatible redevelopment and/or land use compatibility and related work or costs, property management and maintenance services and related costs, the relocation of facilities, structures, and improvements including, without limitation, utility facilities and lines, project and construction management and related consultant and management expenses pertaining to the planning, designing, design management, value engineering, feasibility analysis, and consulting, the preparation and production of contract documents, the advertising and the taking of bids or proposals, development of staging areas, construction, installation, and renovating costs, the demolition and the removal or relocation of buildings, structures, facilities, utilities, trees, improvements, and other obstructions, including, without limitation, the disinterment, transportation, and reinterment of human remains and other technical assistance and related or necessary services and costs, the grading and seeding of disturbed areas and related work, ground maintenance services and related costs, the leasing and/or modification, renovation, and construction of office facilities for the administration of the Program and the construction, renovation and operation of on-site field offices, security services and related costs, and other necessary or related work or services for the development, management, implementation, administration, or monitoring of the Program at a total estimated cost of approximately Twenty Five Million Dollars (\$25,000,000).

**SECTION TWO.** There is hereby authorized an initial appropriation of Eight Million Dollars (\$8,000,000) as follows:

- A) Two Million Dollars (\$2,000,000) from the Airport Development Fund established under Ordinance No. 59286, Section 13, approved October 26, 1984, and
- B) Six Million Dollars (\$6,000,000) from the Passenger Facility Charge Fund established under authority of Ordinance 62501, Section 6, approved February 10, 1992,

to be expended for payment of costs for work or services authorized herein and providing for the receipt of supplemental appropriations when authorized by ordinance into this Ordinance as funds become available to continue the Program.

**SECTION THREE.** The City Counselor of the City of St. Louis (the "City") is hereby authorized to acquire on behalf of the City said real and personal property rights including, without limitation, easements and rights-of-ways by purchase, lease, or condemnation.

**SECTION FOUR.** The City Counselor with the approval of the City's Board of Estimate and Apportionment is hereby authorized to enter into agreements on behalf of the City to acquire, by purchase or lease, said real and personal property rights including, without limitation, easements, permits, licenses, and rights-of-way and to secure legal and related services necessary for the implementation and administration of the Program.

**SECTION FIVE.** The Mayor and Comptroller of the City are hereby authorized to enter into and execute on behalf of the City agreements and/or instruments granting such easements or right-of ways as are deemed necessary to the administration or the implementation of the Program and containing such terms, covenants, or conditions that are in the best interest of the City, the City's residents, and the traveling public.

**SECTION SIX.** The Director of Airports with the approval of the City Counselor and the City's Board of Estimate and Apportionment is hereby authorized on behalf of the City to let contracts providing for appraisal, escrow, closing, and title work or services, and related costs for the implementation and administration of the Program.

**SECTION SEVEN.** The Director of Airports with the approval of the Airport Commission and the City's Board of Estimate and Apportionment is hereby authorized to let contracts, purchase supplies, materials, and equipment, employ labor, pay salaries, wages, fees, retain consultants and technical advisors, and otherwise provide for ground maintenance including, without limitation, the seeding and cutting of grass, the trimming or removing of trees or shrubbery, and other ground maintenance of the real property.

**SECTION EIGHT.** The Board of Public Service, with the advice, consent and approval of the Director of Airports, is hereby authorized to let contracts for all other approved Program work or services, purchase supplies, materials, and equipment, employ labor, pay salaries, wages, fees, retain consultants and technical advisors including, without limitation, real estate or property management or maintenance services, and otherwise provide for the Program and the work and services herein authorized, except for the work or services covered by procedures contained in SECTION THREE, SECTION FOUR, SECTION FIVE, SECTION SIX and SECTION SEVEN of this Ordinance.

**SECTION NINE.** It is hereby provided that any contract let hereunder shall be subject to the City's and any Missouri State laws or regulations applicable there.

**SECTION TEN.** The Comptroller of the City is hereby authorized to draw warrants from time to time on the Treasurer of the City for payment of expenses authorized herein upon submission of properly certified vouchers in conformance with procedures established by the Comptroller of the City.

**SECTION ELEVEN.** The Director of Airports is hereby authorized to make such applications and provide such data and to take whatever action necessary to seek funds under the Airport Improvement Program, the Passenger Facility Charge Program or other local, state, or federal programs for the Program costs or expenditures authorized herein where such costs or expenditures are deemed eligible and monies made available for those costs under federal, state, or local law or contract and to authorize the deposit of such funds into this Ordinance to reimburse the costs in part of the Program or the payment of costs authorized herein.

**SECTION TWELVE.** All contracts let under authority of this Ordinance shall be in compliance with all applicable minority and women or disadvantaged business enterprise requirements and in compliance with all applicable federal, state and local laws, ordinances, regulations, court decisions and executive orders relating to equal employment opportunity.

**SECTION THIRTEEN.** The sections, conditions, or provisions of this Ordinance or portions thereof shall be severable. If any section, condition, or provision of this Ordinance or portion thereof is held invalid by a court of competent jurisdiction, such holding shall not invalidate the remaining sections, conditions or provisions of this Ordinance.

**SECTION FOURTEEN.** This being an ordinance providing for public work and improvement, it is hereby declared to be an emergency measure as defined in Article IV, Section 20 of the City's Charter and shall become effective immediately upon its approval by the Mayor of the City.

**“EXHIBIT A”**

**Job No. 202044  
Lambert Airport  
Property Description**

A tract of land lying in St. Louis County, Missouri and being more particularly described as follows:

Beginning at the centerline intersection of Taussig Avenue (formerly Gist Road) and Ferguson Lane; thence northeasterly along the centerline of Taussig Avenue to the centerline intersection of Taussig Avenue, Missouri Bottom Road and State Highway 115; thence continuing northeasterly along the centerline of Missouri Bottom Road to the centerline intersection of Dunn Road; thence in a northeasterly direction along said centerline to the centerline intersection of Howdershell Road; thence in a northeasterly direction along said centerline to the centerline intersection of Hazelwest Drive; thence in a southeasterly direction along said centerline and the extension of said centerline to the centerline intersection of Interstate 270; thence in a easterly direction along said centerline to the centerline intersection of Lindbergh Blvd. (a.k.a. U.S. Highway 67); thence in a southwesterly direction along said centerline to the centerline intersection of James S. McDonnell Blvd. (formerly Brown Road); thence in a southeasterly direction along said centerline to the centerline intersection of the Norfolk and Western Railroad Right-of-way; thence easterly along said Right-of-way centerline to the centerline intersection of Interstate 170; thence southerly along said centerline to the centerline intersection of Airport Road; thence in a easterly direction along said centerline to the centerline intersection of Florissant Road (a.k.a. State Highway N); thence in a southerly direction along said centerline to the centerline intersection of Woodstock; thence in a easterly direction along said centerline to the centerline intersection of Bermuda Drive; thence in a southerly direction along said centerline to the centerline intersection of Lammert Lane; thence in a easterly direction along said centerline to the eastern terminus of Lammert Lane; thence in a southeasterly direction through Norwood Hills Country Club and Memorial Park Cemetery to the western centerline terminus of Idlewild Place; thence in a southeasterly direction along said centerline to the centerline intersection of Jennings Station Road; thence in a southwesterly direction along said centerline to the centerline intersection of Lillian Avenue; thence in a southeasterly direction along said centerline to the St. Louis City Limit line; thence leaving said Lillian Avenue along said City Limit line to the centerline intersection of Stratford Avenue; thence in a southwesterly direction along said centerline to the centerline intersection of Edgewood Blvd.; thence in a southwesterly direction along said centerline to the centerline intersection of Donald Avenue; thence in a northwesterly direction along said centerline to the centerline intersection of Minoma Lane; thence in a southwesterly direction along said centerline to the centerline intersection of Pasadena Blvd.; thence in a westerly direction along said centerline to the centerline intersection of Lucas & Hunt Road (a.k.a. State Highway U); thence in a southwesterly direction along said centerline to the centerline intersection of Natural Bridge Road (a.k.a. State Highway 115); thence in a westerly direction along said centerline to the centerline of the BI-State MetroLink Right-of-way (formerly the Norfolk & Western Right-of-way); thence northerly along said Right-of-way centerline approximately 1900 feet more or less north of the centerline of Natural Bridge Road; thence in a northwesterly direction and through the University of Missouri St. Louis approximately 3000 feet more or less to a point; thence in a southwesterly direction and more or less parallel with Interstate 70 approximately 1800 feet more or less to the centerline intersection of Hanley Road north of Geiger Road; thence in a southeasterly direction along said centerline of Hanley Road to the centerline intersection of Natural Bridge Road (a.k.a. State Highway 115); thence in a northwesterly direction along said centerline to the intersection of the imaginary easterly centerline extension of Kathryn Drive; thence westerly along the imaginary extension

of said Kathryn Drive to the centerline intersection of Brown Road; thence in a northerly direction along said centerline to the centerline intersection of Harold Drive; thence in a westerly direction along said centerline to the centerline intersection of Woodson Road; thence in a northerly direction along said centerline to the centerline intersection of Guthrie Avenue; thence in a westerly direction along said centerline to the centerline intersection of Calvert Avenue; thence in a northerly direction along said centerline to the centerline intersection of Margo Ann Lane; thence in westerly direction along said centerline to the centerline intersection of Beauty Lane; thence in a northerly direction along said centerline to the centerline intersection of St. Girard lane; thence in a westerly direction along said centerline to the centerline intersection of Holman Lane; thence in a northerly direction along said centerline to the intersection of the imaginary westerly centerline extension of Aero Space Drive; thence westerly along said imaginary centerline extension of Aero Space Drive to the centerline intersection of Cypress Road; thence leaving said centerline in a westerly direction and along the southern Lot line of Lot 7 of "Cypress Gardens Plat 1", a subdivision as recorded in Plat Book 41, Page 7 of the St. Louis County, Missouri Recorder of Deeds Office 1081.19 feet more or less to the southwest corner of said Lot 7; thence northerly along the western line of said "Cypress Gardens Plat 1" to the northwest corner of Lot 13 of said "Cypress Gardens Plat 1"; thence easterly along the northern line of said Lot 13 726.83 feet more or less to the southwest corner of Lot 14 of said "Cypress Gardens Plat 1"; thence northerly along the western Lot lines of Lot's 14 thru 16 290.10 feet more or less to the southern Right-of-way of Interstate 70; thence easterly along said Right-of-way 644.15 feet more or less to the aforementioned centerline of Cypress Road; thence in a northerly direction along said centerline to the centerline intersection of Interstate 70; thence in a westerly direction along said centerline to the centerline intersection of Lindbergh Blvd. (a.k.a. U.S. Highway 67); thence in a northerly direction along said centerline to the centerline intersection of Long Road; thence in a westerly direction along said centerline to the centerline intersection of Fee Fee Road; thence in a northerly direction along said centerline to a point; thence leaving said centerline in a northwesterly direction along the southern Lot line of Lot 1 of Fee Fee Hills Plat 1, a subdivision as recorded in Plat Book 52, Page 8 of the St. Louis County, Missouri County Recorder Deeds Office to the southwest corner of said Lot 1; thence in a northerly direction along the rear Lot lines of Lot's 1 thru 5 of said Fee Fee Hills to the southeastern most corner of Cambridge Crossing, a subdivision as recorded in Plat Book 266, Pages 21 & 22 of the St. Louis County Recorder of Deeds Office; thence northwesterly along the southwestern line of said Cambridge Crossing subdivision to the easternmost rear corner of 11916 Natural Bridge Road; thence in a southwesterly direction along said rear Lot line to the southernmost rear corner of said 11916 Natural Bridge Road; thence in a northwesterly direction along the southern line of said 11916 Natural Bridge Road to the easternmost corner of 11935 Natural Bridge Road; thence in a southwesterly direction along said rear Lot line to the southernmost rear corner of said 11935 Natural Bridge Road; thence in a northwesterly direction along the southern line of said 11935 Natural Bridge Road to the centerline intersection of Natural Bridge Road; thence in a westerly direction along said centerline to the centerline intersection of St. Charles Rock Road (a.k.a. State Highway 180); thence in a northwesterly direction along said centerline to the northwestern Right-of-way of Interstate 270; thence in a northeasterly direction along said Right-of-way to the southern line of the Carrollton Subdivision; thence northwesterly along said southern line approximately 1,600 feet more or less to the intersection of the western line of said Carrollton Subdivision; thence northeasterly along said western line approximately 2,200 feet more or less to a point being the northeast corner of O' Connor Park (formerly Peterson Park); thence in a northwesterly direction along the northeastern line of said O' Connor Park approximately 1,000 feet more or less to a point; thence in a north and westerly direction along the Norfolk and western rail Right-of-way to the intersection of the imaginary southeasterly centerline extension of the aforementioned Ferguson Lane; thence northwesterly along said imaginary centerline extension of Ferguson Lane to the Point of Beginning.

**Approved: December 10, 2002**

**ORDINANCE #65705  
Board Bill No. 293**

**TITLE**

An ordinance authorizing and directing the Board of Public Service of the City of St. Louis to let contracts and provide for design, construction, materials, equipment, employ labor and consultants, pay salaries, fees, and wages, acquire real property interests, enter into supplemental agreements with the Missouri Department of Highway and Transportation, Federal Highway Administration, Utilities, and other governmental agencies, and otherwise provide for the design, and construction for the following projects:

Traffic Signal Optimization – Downtown Central Business District  
Riverview Blvd. Pavement Reconstruction – Bircher to Halls Ferry circle  
Reconstruction of Jefferson Ave. - I-44 to Dr. M.L.King Blvd.  
Delor Avenue Reconstruction – Gravois Road. to Ridgewood Ave.  
Reconstruction of Dr. Martin Luther King Blvd. – Kingshighway Blvd. to City Limits  
Design of Tower Grove Blvd. Reconstruction - I-64 to Shaw Ave.

and appropriating the estimated cost of Nine Million Eight Hundred Thirty Thousand Dollars (\$9,830,000.00), Two Million Twenty Thousand Dollars (\$2,020,000.00) from the funds in the Federal Aid to Urban Program Match Share Fund established by Ordinance 56931, the special taxing district, and the City's share from ½ cent sales tax revenue in accordance with the Federal Highway

Administration's Transportation Equity Act for the 21st Century (T-21) Surface Transportation Programs, containing sections for description of the work, material guarantees, estimated expenditure allocations, fund reversion authorization, applicable state and federal wage rate requirements, equal opportunity provisions, the Mayor's Executive Orders, contract advertising statutes, and a public work emergency clause.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**Section One.** The Board of Public Service is hereby authorized and directed to let contracts, provide for the design, construction, material and equipment, employ labor and consultants, pay salaries, fees and wages, acquire real property interests, enter into supplemental agreements with Missouri Department of Transportation, Utilities and other public entities, and otherwise provide for the design and the construction of the projects listed as follows:

Traffic Signal Optimization – Downtown Central Business District  
Riverview Blvd. Pavement Reconstruction – Bircher to Halls Ferry circle  
Reconstruction of Jefferson Ave. - I-44 to Dr. M.L.King Blvd.  
Delor Avenue Reconstruction – Gravois Road. to Ridgewood Ave.  
Reconstruction of Dr. Martin Luther King Blvd. – Kingshighway Blvd. to City Limits  
Design of Tower Grove Blvd. Reconstruction - I-64 to Shaw Ave.

**Section Two.** The work provided for herein shall be carried out in accordance with detailed plans and specifications to be adopted and approved by the Board of Public Service before bids are advertised therefore.

**Section Three.** The cost of the work is estimated at Nine Million Eight Hundred Thirty Thousand Hundred Dollars (\$9,830,000.00). Two Million Twenty Thousand Dollars (\$2,020,000.00) from the funds in the Federal Aid to Urban Program Match Share Fund established by Ordinance 56931 and the Federal Highway Administration's Transportation Equity Act for the 21st Century (T-21) Surface Transportation Program, is hereby appropriated to be used for this project.

Said improvement shall be contracted and executed in parts as funds are accrued in this Match Share Fund and are adequate to pay the City's share of the cost.

**Section Four.** The Comptroller of the City of St. Louis is hereby authorized and directed to draw warrants from time to time and disburse funds appropriated by this ordinance and is further authorized to receive and disburse grant funds in accordance with the Intermodal Transportation Equity Act for the 21st Century, upon the signature and certification of vouchers, by the President of the Board of Public Service. Reimbursement funds received shall be deposited into the Federal Aid to Urban Program Match Share Fund Ordinance 56931.

**Section Five.** All construction contracts let under authority of this ordinance shall provide that no less than the prevailing hourly rate of wages in the City of St. Louis, as determined by the Federal Davis-Bacon Act and the Department of Labor and Industrial Relations of the State of Missouri (Section 290.210 through 290.340 RSMo 1980) for each craft or type of work needed in the actual labor on the jobs herein authorized, as well as the general prevailing rate of pay for legal holidays and overtime work shall be paid to all workers. All contract let in connection with the construction provided for herein shall be subject to, and in conformance with all statutes of the State of Missouri and the Charter and code of the City of St. Louis.

**Section Six.** The Board of Public Service of the City of St. Louis is hereby authorized to enter into supplemental agreements with the Missouri Department of Highway and Transportation, Federal Highway Administration, Utilities and other governmental agencies for the projects hereinbefore mentioned.

**Section Seven.** The Board of Public Service is hereby authorized to accept on behalf of the City monetary donations from other governmental agencies and others to assist in paying for the work authorized in this ordinance. Funds received shall be deposited into the Federal Aid to Urban Program Match Share Fund Ordinance 56931.

**Section Eight.** All specifications approved by the Board of Public Service and contracts let under authority of this ordinance shall provide for compliance with the Mayor's Executive Orders on Equal Opportunity and maximum MBE/WBE/DBE utilization except when otherwise superseded or prohibited by federal or state regulations.

**Section Nine.** All advertisement for bids pursuant to this ordinance shall be subject to Section 8.250, RSMO, 1980.

**Section Ten.** This being an Ordinance providing for public work or improvements, an emergency is hereby declared to exist within the meaning of Section Twenty, Article Four of the Charter of the City of St. Louis, and this Ordinance shall become effective immediately upon its passage and approval by the Mayor.

**Approved: December 10, 2002**



**ORDINANCE #65706  
Board Bill No. 318**

An Ordinance, recommended and approved by the Airport Commission and the Board of Estimate and Apportionment, ratifying and adopting the actions of the Mayor and the Comptroller of the city of St. Louis (The "City"), the owner and operator of Lambert-St. Louis International Airport (The "Airport"), in accepting and executing on behalf of the City a certain grant agreement offered by the United States of America (The "Grant Agreement"), acting through the Federal Aviation Administration of the United States Department of Transportation, the Grant Agreement being for Project Number 3-29-0085-73-2002, dated September 27, 2002, for a maximum federal obligation of Three Million Four Hundred Seventy two Thousand Five Hundred Dollars (\$3,472,500), which is filed in the Office of the City Register (Comptroller Document No. 43478), for the reimbursement of all direct costs associated with the replacement sections of Taxiway Alpha from Echo to Romeo and the reconstruction of Taxiway Sierra between Runways 30L and 30R; and containing an emergency clause.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** The actions of the Mayor and the Comptroller of the City of St. Louis (The "City"), the owner of operator of Lambert-St. Louis International Airport (The "Airport"), in accepting and executing on behalf of the City, A grant agreement offered by the United States of America (The "Grant Agreement"), acting through the Federal Aviation Administration of the United States Department of Transportation, The Grant Agreement being for Project Number 3-29-0085-73-2002, dated September 27, 2002, for a maximum federal obligation of Three Million Four Hundred Seventy-two Thousand Five Hundred Dollars (\$3,472,500), which is filed in the Office of the City Register (Comptroller Document No. 43478), and made a part hereof, for the activities authorized in the Grant Agreement for the reimbursement of all direct costs associated with the replacement sections of Taxiway Alpha from Echo to Romeo and the reconstruction of Taxiway Sierra between Runways 30L and 30R.

**SECTION TWO.** All terms, conditions, statements, warranties, representations, covenants, agreements, and assurance, contained in the project application and the incorporated materials referred to in the Grant Agreement are hereby ratified and approved and make a part hereof.

**SECTION THREE.** This being an ordinance providing for a Public Work and Improvement Program, it is hereby declared to be an emergency measure as defined in Article IV, Section 20 of the City's Charter, and shall become effective immediately upon approval of the Mayor of the City.

**Approved: December 10, 2002**

**ORDINANCE #65707  
Board Bill No. 319**

An Ordinance, recommended and approved by the Airport Commission and the Board of Estimate and Apportionment, ratifying and adopting the actions of the Mayor and the Comptroller of the City of St. Louis (the "City"), the owner and operator of Lambert-St. Louis International Airport (the "Airport"), in accepting and executing on behalf of the City a certain grant agreement offered by the United States of America (the "Grant Agreement"), acting through the Federal Aviation Administration of the United States Department of Transportation, the Grant Agreement being for Project Number 3-29-0085-75-2002, dated September 27, 2002, for a maximum federal obligation of Two Million Five Hundred Thousand Dollars (\$2,500,000), which is filed in the Office of the City Register (Comptroller Document No. 43479), for the reimbursement of all direct costs associated with the Terminal Security Enhancements, Phase 1 (Terminal modifications required by Transportation Security Act to accommodate checked baggage bulk explosive detection equipment); and containing an emergency clause.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** The actions of the Mayor and the Comptroller of the City of St. Louis (the "City"), the owner and operator of Lambert-St. Louis International Airport (the "Airport"), in accepting and executing on behalf of the City, a grant agreement offered by the United States of America (the "Grant Agreement"), acting through the Federal Aviation Administration of the United States Department of Transportation, the Grant Agreement being for Project Number 3-29-0085-75-2002, dated September 27, 2002, for a maximum federal obligation of Two Million Five Hundred Thousand Dollars (\$2,500,000), which is filed in the Office of the City Register (Comptroller Document No. 43479), and made a part hereof, for the activities authorized in the Grant Agreement for the reimbursement of all direct costs associated with the Terminal Security Enhancements, Phase 1 (Terminal modifications required by Transportation Security Act to accommodate checked baggage bulk explosive detection equipment).

**SECTION TWO.** All terms, conditions, statements, warranties, representations, covenants, agreements, and assurances contained in the project application and the incorporated materials referred to in the Grant Agreement are hereby ratified and approved and made a part hereof.

**SECTION THREE.** This being an ordinance providing for a Public Work and Improvement Program, it is hereby declared to be an emergency measure as defined in Article IV, Section 20 of the City's Charter, and shall become effective immediately upon approval of the Mayor of the City.

**Approved: December 10, 2002**

**ORDINANCE #65708**  
**Board Bill No. 25**

An ordinance amending Section One of Ordinance 63802, adopted on June 14, 1996, relating to City contracts for services subject to city earnings tax; providing that no contract for services subject to city earnings tax shall be executed on behalf of the City of St. Louis unless there are attached thereto certifications from the Collector of Revenue dated not more than 30 working days, that the contractor is current on all payments of and returns for the City earnings tax and payroll expense tax and from the License Collector that the contractor has a current business license.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS, AS FOLLOWS:**

**SECTION ONE.** Section One of Ordinance 63802 is hereby amended to read as follows:

**SECTION TWO.** After \_\_\_\_\_, 2002 no contract for services subject to city earnings tax of the City of St. Louis shall be executed on behalf of the City unless there are attached thereto certifications from the Collector of Revenue dated not more than thirty (30) working days prior to the execution of the contract for services subject to city earnings tax stating that the contractor has paid all City earnings taxes due as of the date of the certification and has filed all returns of earnings tax and payroll expense tax required to be filed as of the date of the certification and from the License Collector that the contractor has a current business license. Any contract for services subject to city earnings tax executed without such certifications attached thereto shall be void and of no force or effect.

**SECTION THREE.** All other provisions of Ordinance 63802 shall remain in full force and effect.

**Approved: December 10, 2002**

**ORDINANCE #65709**  
**Board Bill No. 48**  
**Committee Substitute**

An ordinance pertaining to City contracts; providing that no contract or subcontract entered into by the Board of Public Service for the construction of City improvements and no contract authorized by ordinance for the development or redevelopment of any property within the City shall be let to any contractor, subcontractor or developer unless such contractor, subcontractor or developer certifies that such person or entity is not currently debarred from the award of contracts by the State of Missouri or the Federal Government; further providing that no contract or subcontract entered into by the Board of Public Service for the construction of City improvements and no contract authorized by ordinance for the development or redevelopment of any property within the City shall be let to any contractor or developer unless such contractor or developer certifies that such is not managed, controlled or more than fifty percent (50%) owned by a person or entity currently debarred from the award of contracts by the State of Missouri or the Federal Government; and containing a penalty clause.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** No contract or subcontract entered into by the Board of Public Service for the construction of City improvements of whatsoever kind or character or for the doing of any public work and no contract authorized by ordinance for the development or redevelopment of any property within the City shall be let to any contractor, subcontractor or developer unless such contractor, subcontractor or developer certifies, on a written form to be provided by the Board of Public Service, that such person or entity is not currently debarred from the award of contracts by the State of Missouri or the Federal Government.

**SECTION TWO.** No contract or subcontract entered into by the Board of Public Service for the construction of City improvements of whatsoever kind or character or for the doing of any public work and no contract authorized by ordinance for the development or redevelopment of any property within the City shall be let to any contractor or developer unless such contractor or developer certifies, on a form to be provided by the Board of Public Service, that such is not managed, controlled or more than fifty percent (50%) owned by a person or entity currently debarred from the award of contracts by the State of Missouri or the Federal Government.

**SECTION THREE.** Any contractor, subcontractor or developer who knowingly files a false certification as part of the requirements of this ordinance shall pay a penalty equal to ten percent of the total value of the contract and shall be prohibited from bidding on City contracts for a period of five (5) years.

**Approved: December 10, 2002**

**ORDINANCE #65710**  
**Board Bill No. 50**  
**Committee Substitute**

An ordinance pertaining to travel expenses of elected officials; requiring every elected official of the City of St. Louis to file with the City Register a travel report detailing all travel and travel related expenses in excess of Two Hundred and Fifty Dollars (\$250.00) incurred by such elected officials in their official capacity or in the conduct of City business during each calendar year; requiring certain information related to the travel activity to be included in such report; designating such reports public records under

Chapter 610 of the Revised Statutes of the State of Missouri; and containing a penalty clause.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** On or before May 1st of each year, every elected official of the City of St. Louis shall file with the City Register a travel report detailing all travel and travel related expenses in excess of Two Hundred and Fifty Dollars (\$250.00) incurred by such elected officials in their official capacity or in the conduct of City business during the previous calendar year. The form for such travel reports shall be provided by the Office of the Budget Director. Travel reports for the year in which this ordinance is adopted shall only include those travel related expenses incurred subsequent to the ordinance's effective date.

**SECTION TWO.** All travel reports filed in compliance with Section One of this ordinance shall contain the following information for each trip taken during the previous calendar year:

- A. A statement detailing the travel destination; the date of the trip; the purpose of the trip and a brief description of the event or events attended; and
- B. A statement as to the benefit to the City from such travel; and
- C. The total amount of public funds, including any Federal or State grants, spent for the travel activity; and
- D. The total amount of private funds (other than personal funds of the elected official) spent for the travel activity and a statement as to the source of such private funds.

**SECTION THREE.** All travel reports filed with the City Register in compliance with this ordinance shall be deemed public records under the provisions of Chapter 610 of the Revised Statutes of the State of Missouri.

**SECTION FOUR.** Penalty

a. Any person required in section one to file a travel report who fails to file such report by the time required in section one shall not be paid such compensation or receive such remuneration until the person has filed a travel report as required by section one.

b. Any person who knowingly misrepresents or omits any facts required to be contained in the travel report, as required by section two, shall be guilty of a violation of this ordinance and subject to a fine of not less than Two Hundred and Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500).

**Approved: December 10, 2002**

**ORDINANCE #65711  
Board Bill No. 52**

An ordinance submitting to the qualified voters of the City of St. Louis a proposed amendment to the Charter of the City of St. Louis increase the amount of articles which may be purchased from five hundred dollars (\$500.00) to five thousand dollars (\$5,000.00) under any one contract, with the written approval of the comptroller, without advertising, requiring the solicitation of competitive bids, by amending existing Section 29 of Article XV; providing for an election to be held therefor and the manner of voting thereat; and containing an emergency clause.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS, AS FOLLOWS :**

**SECTION ONE.** The following amendment to the Charter of the City of St. Louis is hereby proposed and submitted to the voters of the City of St. Louis and shall be voted upon at an election to be held as hereinafter provided.

The said amendment is in words and figures as follows:

Section 29 of Article XV of the Charter of the City of St. Louis is hereby amended to read as follows:

Supplies, equipment, and materials for all departments, boards or officers, exclusive of material for public work or improvements, shall be purchased or leased only through the Supply Division, according to such standards and specifications, if any, adopted or prepared by the Board of Standardization, and by advertising for proposals therefore. Bids may be for one or more or all the articles advertised for, but there shall be a specific bid on each article. The award may be made to the lowest bidder for any article or to the lowest bidder for the entire requisition or any part thereof; but the Board of Standardization may reject any or all bids or any part of any bid. The Supply Commissioner may contract for supplies, equipment and material in any amounts or for any periods as may be approved by the Board of Standardization, and subject to the provisions of this Charter. In cases of emergency, to be determined by said board, purchases or leases may be made without advertising. Purchases or leases in amounts not exceeding five thousand dollars (\$5000.00) under any one contract may be also made, with the written approval of the Comptroller, without advertising, after securing competitive bids, but there shall be no division of requisitions or contracts for the purpose of securing this privilege. The Supply Commissioner shall inspect and receipt for all supplies, equipment and material.

Supplies, equipment or material shall not be ordered or contracted for by the Supply Division unless the Comptroller shall certify that a fund is applicable for payment thereof.

**SECTION TWO.** The foregoing proposed amendment to the Charter of the City of St. Louis shall be submitted to the qualified voters of the City of St. Louis at the next scheduled Municipal or State General Election, and if said proposed amendment shall receive in its favor the votes of three-fifths of the qualified voters voting at such election for or against said proposed amendment such amendment shall be adopted and become a part of the Charter of the City of St. Louis from the date of said election. Qualified voters of the City of St. Louis may at the election aforesaid vote a ballot substantially in the following form:

OFFICIAL BALLOT

Instructions to voters:

To vote in favor of the proposition submitted upon this ballot, place an "X" in the square opposite the word "Yes" and to vote against any proposition submitted upon this ballot, place an "X" in the square opposite the word "No."

The amendment shall appear on the ballot substantially, as follows:

Yes \_\_\_\_\_  
No \_\_\_\_\_

Amendment to the City Charter

Proposition to amend the Charter of the City of St. Louis by amending Section 29 of Article XV to authorize purchases in amounts not exceeding five thousand dollars (\$5,000.00) under on contract, with the written approval of the Comptroller, without advertising, requiring the solicitation of competitive bids.

**SECTION THREE.** The Board of Election Commissioners shall provide the ballots or voting machines or both and conduct the election and shall ascertain and certify the result thereof according to the law.

If voting machines are used, the aforesaid "OFFICIAL BALLOT" shall be placed or posted on the said voting machines wherever said machines are used under the direction of the Board of Election Commissioners for the City of St. Louis and according to law.

**SECTION FOUR.** Upon the approval of this Ordinance, it shall be published in the City Journal, the official publication of the City of St. Louis, Missouri. Proof of the publication of this Ordinance shall be made by affidavit of the City Register, and such affidavit shall be filed in the office of the City Register and a copy of such publication shall be attached thereto.

**SECTION FIVE.** This being an ordinance calling for an election for submission to the people of an amendment to the Charter of the City of St. Louis, it is hereby declared to be an emergency measure and shall become effective immediately upon its passage and approval by the Mayor pursuant to Article IV Sections 19 and 20 of the Charter.

**Approved: December 10, 2002**

**ORDINANCE #65712**  
**Board Bill No. 123**  
**Floor Substitute**

An ordinance pertaining to Housing Conservation Districts; amending Section Thirteen of Ordinance 62887, as codified in Section 25.56.090 of the Revised Code by enacting a two new sections providing that any dwelling unit or premises in a Housing Conservation District which has been condemned for occupancy for conditions by the Building Commissioner must be issued a valid Certificate of Inspection prior to reoccupancy; further requiring that such dwelling unit or premises be in substantial compliance with the exterior provisions of the Existing Structures Code and be complete compliance with the interior provisions of the Existing Structures Code and Exhibit A, prior to the reissue of a Certificate of Inspection.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** Section Thirteen of Ordinance 62887 is hereby amended to include the following new provisions:

**SECTION TWO.** Every dwelling unit or premises condemned for occupancy due to the condition of such dwelling unit or premises must be issued a valid Certificate of Inspection prior to reoccupancy.

**SECTION THREE.** Notwithstanding any provision of this chapter to the contrary, no Certificate of Inspection shall be reissued for a dwelling unit or premises which has been condemned for occupancy by the Building Commissioner unless such dwelling unit or premises are in substantial compliance with the exterior provisions of the Existing Structures Code and in full compliance with the interior provisions of the Existing Structures Code and Exhibit A.

Approved: December 10, 2002

**ORDINANCE #65713**  
**Board Bill No. 276**  
**Floor Substitute As Amended**

An ordinance submitting to the qualified voters residing in the East Loop Parkview Gardens Special Business District as established by Ordinance 63634 and amended by Ordinance No. \_\_\_\_\_, ( Board Bill 275) a proposal to levy atax on the real property located in said district; submitting said proposal to the voters of said district at a City-wide General Election in April, 2003; and containing an emergency clause.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** The following proposition is hereby submitted to the qualified voters residing in the East Loop/Parkview Gardens Special Business District, as established by Ordinance 63634 and as amended in Ordinance No. \_\_\_\_\_, (Board Bill No.275)and shall be voted upon at the election to be held as hereinafter provided. The proposition shall read in words and figures as follows:

PROPOSITION \_\_\_\_\_

Shall a tax of \$0.85 per \$100.00 valuation be imposed on all real property located in the East Loop Parkview Gardens Business District as established by Ordinance No. 63634 and as amended by Ordinance \_\_\_\_\_ ( Board Bill # 275) enlarging the boundaries thereof to include all areas of real property for the purposes set forth in said Ordinance No. 63634?

**SECTION TWO.** The foregoing proposition shall be submitted to qualified voters residing in the East Loop/Parkview Gardens Special Business District at the city-wide general election to be held in April, 2003. If the proposition shall receive in its favor the votes of the majority of the qualified voters voting at said election for or against said proposition, the tax as set forth within said proposition shall be authorized and adopted and become part of the laws of the City of St. Louis from the date of said election. The qualified voters may, at such election, vote a ballot substantially in the following form:

OFFICIAL BALLOT

Shall a tax of \$0.85 per \$100.00 valuation be imposed on all real property located in the East Loop Parkview Gardens Business District as established by Ordinance No. 63634 and as amended by Ordinance \_\_\_\_\_ ( Board Bill # 275) enlarging the boundaries thereof to include all areas of real property for the purposes set forth in said Ordinance No. 63634?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

**SECTION THREE.** Notice of the election on such proposition shall be published and said election shall be conducted in the manner provided by law.

**SECTION FOUR.** Immediately upon the passage and approval of this Ordinance, the City Register shall certify a copy thereof to the Board of Election Commissioners for the City of St. Louis for action and proceedings by said Board in accordance herewith and as required by law.

**SECTION FIVE.** This being an ordinance calling and providing for an election and vote by the people and fixing a tax rate, it is declared to be an emergency measure as defined by Article IV, Sections 19 and 20 of the Charter of the City of St. Louis and shall take effect and be in force from and after its adoption and approval by the Mayor.

Approved: December 10, 2002

**ORDINANCE #65714**  
**Board Bill No. 277**  
**Floor Substitute As Amended**

An ordinance submitting to the qualified voters residing in the East Loop Parkview Gardens Special Business District as established by Ordinance 63634 and amended by Ordinance No. \_\_\_\_\_, ( Board Bill 275 ) a proposal to levy an additional business license tax on the businesses and individuals doing business in said district; submitting said proposal to the voters of said district at a City-wide General Election in April, 2003; and containing an emergency clause.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** The following proposition is hereby submitted to the qualified voters residing in the East Loop/Parkview

Gardens Special Business District, as established by Ordinance 63634 and as amended in Ordinance No. \_\_\_\_\_, (Board Bill No.275) and shall be voted upon at the election to be held as hereinafter provided. The proposition shall read in words and figures as follows:

**PROPOSITION \_\_\_\_\_**

Shall the East Loop Parkview Gardens Special Business District, as amended by Ordinance \_\_\_\_\_ (Board Bill #275) be authorized to impose its business license tax on businesses and individuals doing business with the Special Business District in an amount not to exceed Fifty percent (50%) of the business license tax imposed by the City of St. Louis?

**SECTION TWO.** The foregoing proposition shall be submitted to qualified voters residing in the East Loop/Parkview Gardens Special Business District at the city-wide general election to be held in April, 2003. If the proposition shall receive in its favor the votes of the majority of the qualified voters voting at said election for or against said proposition, the tax as set forth within said proposition shall be authorized and adopted and become part of the laws of the City of St. Louis from the date of said election. The qualified voters may, at such election, vote a ballot substantially in the following form:

**OFFICIAL BALLOT**

Shall the East Loop Parkview Gardens Special Business District, as amended by Ordinance \_\_\_\_\_ (Board Bill #275) be authorized to impose its business license tax on businesses and individuals doing business with the Special Business District in an amount not to exceed Fifty percent (50%) of the business license tax imposed by the City of St. Louis?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

**SECTION THREE.** Notice of the election on such proposition shall be published and said election shall be conducted in the manner provided by law.

**SECTION FOUR.** Immediately upon the passage and approval of this Ordinance, the City Register shall certify a copy thereof to the Board of Election Commissioners for the City of St. Louis for action and proceedings by said Board in accordance herewith and as required by law.

**SECTION FIVE.** This being an ordinance calling and providing for an election and vote by the people and fixing a tax rate, it is declared to be an emergency measure as defined by Article IV, Sections 19 and 20 of the Charter of the City of St. Louis and shall take effect and be in force from and after its adoption and approval by the Mayor.

**Approved: December 10, 2002**

**ORDINANCE #65715  
Board Bill No. 285**

**AN ORDINANCE RECOMMENDED BY THE BOARD OF ESTIMATE AND APPORTIONMENT AUTHORIZING AND DIRECTING THE ISSUANCE AND DELIVERY OF NOT TO EXCEED \$1,136,600 PRINCIPAL AMOUNT OF TAX INCREMENT REVENUE NOTES (1141-1151 SOUTH SEVENTH STREET REDEVELOPMENT PROJECT), SERIES 2002, OF THE CITY OF ST. LOUIS, MISSOURI; PRESCRIBING THE FORM AND DETAILS OF THE TIF NOTES AND THE COVENANTS AND AGREEMENTS MADE BY THE CITY TO FACILITATE AND PROTECT THE PAYMENT THEREOF; AND PRESCRIBING OTHER MATTERS RELATING THERETO.**

**WHEREAS**, the City of St. Louis, Missouri (the "City"), is a body corporate and political subdivision of the State of Missouri, duly created, organized and existing under and by virtue of its charter, the Constitution and laws of the State of Missouri; and

**WHEREAS**, the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 through 99.865, of the Revised Statutes of Missouri, as amended (the "Act"), authorizes the City to undertake redevelopment projects within designated areas of the City; and

**WHEREAS**, staff and consultants at the direction of the St. Louis Development Corporation prepared a plan for redevelopment titled "1141-1151 South Seventh Street TIF Redevelopment Plan" dated August 2, 2002 (the "Redevelopment Plan"), for an area bounded by Seventh and Eighth Streets, Hickory Street and the southern property line of certain real property now or formerly owned by Ralston Purina Company (the "Redevelopment Area"), as legally described in the Redevelopment Plan; and

**WHEREAS**, on \_\_\_\_\_, 2002, the Board of Aldermen adopted Ordinance No. \_\_\_\_\_ [Board Bill No. \_\_\_\_], which approved the Redevelopment Plan and the redevelopment projects described therein (the "Redevelopment Project"); designated the Redevelopment Area as a "redevelopment area" as provided for in the Act; adopted tax increment allocation financing

within the Redevelopment Area; created the 1141-1151 South Seventh Street Special Allocation Fund (the "Special Allocation Fund"); and approved the execution of a Redevelopment Agreement by and between the City and Richard Yackey (the "Redevelopment Agreement"); and

**WHEREAS**, pursuant to the Redevelopment Plan and the Redevelopment Agreement, the City proposes to finance a portion of the costs of the Redevelopment Project by utilizing tax increment allocation financing in accordance with the Act; and

**WHEREAS**, the City desires to issue, from time to time, its Tax Increment Revenue Notes (1141-1151 South Seventh Street Redevelopment Project), Series 2002 (the "Notes"), to provide funds for the aforesaid purpose, said Notes being payable solely from certain proceeds deposited into the Special Allocation Fund; and

**WHEREAS**, the City has determined that it is in the best interest of the City to sell the Notes from time to time at a private sale, without advertisement, to the Original Purchaser at a price equal to 100% of their face value; and

**WHEREAS**, it is hereby found and determined that it is necessary and advisable and in the best interest of the City and of its inhabitants that the Notes be issued and secured in the form and manner as hereinafter provided to carry out the Redevelopment Project.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ST. LOUIS, MISSOURI, AS FOLLOWS:**

#### **ARTICLE I. DEFINITIONS**

**SECTION 101 Definitions of Words and Terms.** In addition to the words and terms defined elsewhere in this ordinance (the "*Ordinance*"), the following capitalized words and terms, as used in this Ordinance, shall have the following meanings:

*"Act" or "TIF Act"* means the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 through 99.865 of the Revised Statutes of Missouri, as amended.

*"Approved Investors"* means (a) the Developer or a Related Entity, (b) an "accredited investor" under Rule 501(a) of Regulation D promulgated under the Securities Act of 1933, (c) a "qualified institutional buyer" under Rule 144A promulgated under the Securities Act of 1933 or (d) any general business corporation or enterprise with total assets in excess of \$50,000,000.

*"Approving Ordinance"* means Ordinance No. \_\_\_\_\_ [Board Bill No. \_\_\_\_] adopted by the City on \_\_\_\_\_, 2002, pertaining to the approval of the Redevelopment Plan and the Redevelopment Project, the designation of the Redevelopment Area, the adoption of tax increment financing and the execution of the Redevelopment Agreement.

*"Authorized Denominations"* means an initial amount of \$100,000 or any integral multiple of \$1,000 in excess thereof, except with respect to the TIF Note issued upon acceptance by the City of the final Certificate of Reimbursable Redevelopment Project Costs, which TIF Note may be issued in any integral multiple of \$1,000, subject to the limitation provided in **Section 201** of this Ordinance.

*"Available Revenues"* means (a) all monies on deposit in the PILOTs Account of the Special Allocation Fund; (b) all monies on deposit in the Economic Activity Tax Account of the Special Allocation Fund that have been appropriated to the repayment of the TIF Notes, excluding (i) any amount paid under protest until the protest is withdrawn or resolved against the taxpayer or (ii) any sum received by the City which is the subject of a suit or other claim communicated to the City which suit or claim challenges the collection of such sum.

*"Bond Counsel"* means Armstrong Teasdale LLP, St. Louis, Missouri, or an attorney at law or a firm of attorneys acceptable to the City of nationally recognized standing in matters pertaining to the tax-exempt nature of interest on obligations issued by states and their political subdivisions duly admitted to the practice of law before the highest court of any state of the United States of America or the District of Columbia.

*"Certificate of Reimbursable Redevelopment Project Costs"* means a document substantially in the form of Exhibit A to the Redevelopment Agreement provided by the Developer to the City evidencing Reimbursable Redevelopment Project Costs incurred by the Developer.

*"Certificate of Substantial Completion"* means a document substantially in the form of Exhibit B to the Redevelopment Agreement issued by the Developer to the City in accordance with the Redevelopment Agreement and evidencing the Developer's satisfaction of all obligations and covenants to construct the Redevelopment Project in accordance with the Redevelopment Plan and the Redevelopment Agreement.

*"City"* means the City of St. Louis, Missouri, a body corporate and political subdivision duly authorized and existing under the its charter and the Constitution and laws of the State of Missouri.

*"Debt Service Fund"* means the fund by that name created in **Section 401** of this Ordinance.

“Developer” means Richard Yackey, an individual, or his permitted successors or assigns in interest.

“Economic Activity Taxes” or “EATs” shall have the meaning ascribed to such term in Section 99.805 of the TIF Act.

“Finance Officer” means the Comptroller of the City or her authorized agent.

“Government Obligations” means direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America.

“Issuance Costs” means all costs reasonably incurred by the City in furtherance of the issuance of TIF Notes, not to exceed, in the aggregate, \$36,600, including but not limited to the fees and expenses of financial advisors and consultants, the City’s attorneys (including issuer’s counsel and Bond Counsel), the City’s administrative fees and expenses (including fees and costs of planning consultants), underwriters’ discounts and fees, the costs of printing the TIF Notes and any official statements relating thereto, the costs of credit enhancement, if any, capitalized interest, debt service reserves and the fees of any rating agency rating the TIF Notes.

“Maturity Date” means the date that is twenty-three (23) years after the date of adoption of the Ordinance.

“Original Purchaser” means the Developer or a Related Entity, which Related Entity shall be designated by the Developer as the Original Purchaser.

“Owner” means, when used with respect to any TIF Note, the present holder of any of the TIF Notes.

“Payment Date” means, with respect to any TIF Note, each June 1 and December 1, commencing with the first June 1 or December 1 that immediately succeeds the City’s acceptance of the Certificate of Substantial Completion as provided in the Redevelopment Agreement.

“Payments in Lieu of Taxes” or “PILOTs” shall have the meaning ascribed to such term in Section 99.805 of the TIF Act.

“Redevelopment Agreement” means that certain Redevelopment Agreement dated as of \_\_\_\_\_, 2002, between the City and the Developer, as may be amended from time to time.

“Redevelopment Area” means the Redevelopment Area identified as such in the Redevelopment Agreement and more particularly described in **Exhibit A**, attached hereto and incorporated herein by reference.

“Redevelopment Plan” means the plan titled “1141-1151 South Seventh Street TIF Redevelopment Plan,” as approved by the City on \_\_\_\_\_, 2002, pursuant to Ordinance No. \_\_\_\_\_ [Board Bill No. \_\_\_\_], as such plan may from time to time be amended in accordance with the TIF Act.

“Redevelopment Project” means that redevelopment project contemplated by the Redevelopment Plan and the Redevelopment Agreement.

“Register” means the books for registration, transfer and exchange of the TIF Notes kept at the office of the Finance Officer.

“Reimbursable Redevelopment Project Costs” means those Redevelopment Project Costs as described in Exhibit D to the Redevelopment Agreement for which the Developer is eligible for reimbursement in accordance with the Redevelopment Agreement.

“Related Entity” means any party or entity related to the Developer by one of the relationships described in Section 267(b) of the Internal Revenue Code of 1986, as amended.

“Special Allocation Fund” means the City of St. Louis, Missouri, Special Allocation Fund for the 1141-1151 South Seventh Street Redevelopment Project, created by Ordinance No. \_\_\_\_\_ [Board Bill No. \_\_\_\_] adopted by the City on \_\_\_\_\_, 2002, and including the accounts into which TIF Revenues are from time to time deposited in accordance with the TIF Act, the Redevelopment Agreement and this Ordinance, as ratified and further described in **Section 401** hereof.

“Taxable TIF Notes” means the City’s Taxable Tax Increment Revenue Notes (1141-1151 South Seventh Street Redevelopment Project), Series 2002, as further described in **Article II** hereof.

“Tax-Exempt TIF Notes” means the City’s Tax-Exempt Tax Increment Revenue Notes (1141-1151 South Seventh Street Redevelopment Project), Series 2002, as further described in **Article II** hereof.

“TIF Notes” means the not to exceed \$1,136,600 Tax Increment Revenue Notes (1141-1151 South Seventh Street Redevelopment Project), Series 2002, issued by the City pursuant to and subject to this Ordinance in substantially the form set forth in **Exhibit A**, attached hereto and incorporated herein by reference.

“TIF Revenues” means: (1) Payments in Lieu of Taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property located within the Redevelopment Area over and above the initial



equalized assessed value (as that term is used and described in Section 99.845.1 of the TIF Act) of each such unit of property, as paid to the City Treasurer by the City Collector of Revenue during the term of the Redevelopment Plan and the Redevelopment Project, and (2) fifty percent (50%) of the total additional revenues from taxes which are imposed by the City or other taxing districts (as that term is defined in Section 99.805(16) of the TIF Act) and which are generated by economic activities within the Redevelopment Area over the amount of such taxes generated by economic activities within the Redevelopment Area in the calendar year ending December 31, 2001 (subject to annual appropriation by the City as provided in the TIF Act), as defined and described in Sections 99.805(4) and 99.845 of the TIF Act, but excluding therefrom personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees or special assessments, taxes levied pursuant to Section 70.500 of the Revised Statutes of Missouri, as amended, and taxes levied for the purpose of public transportation pursuant to Section 94.660 of the Revised Statutes of Missouri, as amended, all as provided in Section 99.845 of the TIF Act, as amended from time to time.

**SECTION 102 Rules of Construction.** For all purposes of this Ordinance, except as otherwise expressly provided or unless the context otherwise requires:

- (a) Words of masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders.
- (b) Words importing the singular number shall include the plural and vice versa and words importing person shall include firms, associations and corporations, including public bodies.
- (c) The headings and captions herein are not a part of this document.
- (d) Terms used in an accounting context and not otherwise defined shall have the meaning ascribed to them by generally accepted principles of accounting.
- (e) Whenever an item or items are listed after the word "including," such listing is not intended to be an exhaustive listing that excludes items not listed.

## **ARTICLE II AUTHORIZATION OF TIF NOTES**

**SECTION 201 Authorization of TIF Notes.** There are hereby authorized and directed to be issued two series of the TIF Notes in an aggregate principal amount not to exceed \$1,136,600. The TIF Notes shall be in substantially the form of **Exhibit B**, attached hereto and incorporated herein by reference.

### **SECTION 202 Description of TIF Notes.**

(a) *Title of TIF Notes.* There shall be issued one series of one or more Taxable TIF Notes in an aggregate principal amount not to exceed \$1,136,600 authorized hereunder and one series of one or more Tax-Exempt TIF Notes in an aggregate principal amount not to exceed \$1,136,600 less the aggregate principal amount of Taxable TIF Notes. The Taxable TIF Notes shall be designated "Taxable Tax Increment Revenue Notes (1141-1151 South Seventh Street Redevelopment Project), Series 2002". The Tax-Exempt TIF Notes shall be designated "Tax-Exempt Tax Increment Revenue Notes (1141-1151 South Seventh Street Redevelopment Project), Series 2002". The TIF Notes may have such further appropriate particular designation added to or incorporated in such title for the TIF Notes of any particular series as the City may determine.

(b) *Form of TIF Notes.* The TIF Notes shall be substantially in the form set forth in **Exhibit B**, attached hereto and incorporated herein by reference, with such appropriate variations, omissions and insertions as are permitted or required by this Ordinance, and may have endorsed thereon such legends or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto.

(c) *Terms of TIF Notes.* The TIF Notes shall mature (subject to redemption and payment prior to maturity as provided in **Article III** hereof), on the date that is twenty-three (23) years after the date of adoption of this Ordinance. The Taxable TIF Notes shall bear interest at seven percent (7%) per annum and the Tax-Exempt TIF Notes shall bear interest at the rate equal to five and one-half percent (5½%) per annum. Interest shall be computed on the basis of a 360-day year of twelve 30-day months. The TIF Notes shall bear interest from their registration date or from the most recent Payment Date to which interest has been paid or duly provided for. Interest that accrues but remains unpaid on any Payment Date shall be compounded semi-annually.

(d) *Denominations.* The TIF Notes shall be issuable as fully registered TIF Notes in Authorized Denominations.

(e) *Numbering.* Unless the City directs otherwise, each series of TIF Notes shall be numbered from R-1 upward.

(f) *Dating.* The TIF Notes shall be dated as provided in Section 207, as evidenced by the Finance Officer's signature on **Schedule A** to each TIF Note.

(g) *Evidence of Principal Payments.* The payment of principal of the TIF Notes on each Payment Date shall be noted on the TIF Notes on **Schedule A** thereto. The TIF Notes and the original **Schedule A** thereto shall be held by the Finance Officer in trust, unless otherwise directed in writing by the Owners thereof. If the TIF Notes are held by the Finance Officer, the Finance Officer shall, on each Payment Date, send a revised copy of **Schedule A** via facsimile to the Owner. Absent manifest error, the

amounts shown on **Schedule A** held by the Finance Officer shall be conclusive evidence of the principal amount paid on the TIF Notes.

(h) *Sale of TIF Notes.* When TIF Notes have been executed and authenticated as required by this Ordinance, the Finance Officer shall hold the TIF Notes in trust or, if directed in writing by the Owners thereof, deliver the TIF Notes to or upon the order of the Owners thereof, as provided in paragraph (g) above, but only upon payment to the City of a purchase price equal to one hundred percent (100%) of the face amount of the TIF Notes, which payment shall be deemed to have occurred under the circumstances described in **Section 207** of this Ordinance.

**SECTION 203 Finance Officer to Serve as Paying Agent and Registrar.** The Finance Officer is hereby designated as the paying agent for the payment of principal of and interest on the TIF Notes and the bond registrar with respect to the registration, transfer and exchange of the TIF Notes and for allocating and holding funds as provided herein.

**SECTION 204 Security for TIF Notes.** All TIF Notes shall be equally and ratably secured by Available Revenues. The TIF Notes shall be special, limited obligations of the City payable solely from and secured as to the payment of principal and interest by a pledge of the Available Revenues. The taxing power of the City is not pledged to the payment of the TIF Notes either as to principal or interest. The TIF Notes shall not be or constitute a general obligation of the City, nor shall they constitute an indebtedness of the City within the meaning of any constitutional, statutory or charter provision, limitation or restriction. **THE OBLIGATIONS OF THE CITY WITH RESPECT TO THE TIF NOTES SHALL TERMINATE ON THE FIRST TO OCCUR OF THE FULL PAYMENT AND DISCHARGE OF THE TIF NOTES OR THE MATURITY DATE (WHETHER OR NOT THE PRINCIPAL AMOUNT OR INTEREST HAS BEEN PAID IN FULL).**

**SECTION 205 Method and Place of Payment of TIF Notes.** The principal of and interest on the TIF Notes shall be payable in any coin or currency which, on the respective dates of payment thereof, is legal tender for the payment of debts due the United States of America. Payment shall be made by the Finance Officer at his/her offices on each Payment Date upon presentation of the applicable TIF Notes by a duly authorized representative of the Owner. Principal and interest shall be payable by check or draft at the office of the Finance Officer to the person in whose name such TIF Note is registered on the Register on each Payment Date.

**SECTION 206 Registration, Transfer and Assignment.** So long as the TIF Notes remain outstanding, the City shall cause to be kept at the office of the Finance Officer books for the registration, transfer and exchange of the TIF Notes as herein provided. The TIF Notes when issued shall be registered in the name of the Original Purchaser thereof on the Register.

The TIF Notes and beneficial interest therein may only be purchased by or transferred or assigned to Approved Investors upon the execution by each proposed purchaser, transferee or assignee of a letter in substantially the form of **Exhibit C**, attached hereto and incorporated herein by reference, stating that such purchaser, transferee or assignee (i) is an Approved Investor and (ii) has sufficient knowledge and experience in business and financial matters in general, and investments such as the TIF Notes in particular, to enable the purchaser, transferee or assignee to evaluate the risks involved in an investment in the TIF Notes. The TIF Notes may be transferred and exchanged only upon the records of the City.

Upon surrender of a TIF Note to the Finance Officer, the Finance Officer shall transfer or exchange the TIF Notes for a new TIF Note or TIF Notes, which shall be (i) in minimum denominations or multiples of One Thousand Dollars (\$1,000), except with respect to the TIF Notes issued upon acceptance by the City of the final Certificate of Reimbursable Redevelopment Project Costs, which TIF Notes may be issued in any denomination, subject to the limitation on the aggregate principal amount, and (ii) of the same Maturity Date and in the same aggregate principal amount outstanding as the TIF Note which was presented for transfer or exchange. The TIF Notes presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Finance Officer, duly executed by the Owner thereof or by the Owner's duly authorized agent. Upon any transfer, exchange or assignment as provided in this Section, the transferor shall reimburse the City for all of the reasonable out-of-pocket costs incurred by the City in connection with the administration of such transfer, exchange or assignment.

**SECTION 207 Execution, Authentication and Delivery of the TIF Notes.** Each of the TIF Notes, including any TIF Notes issued in exchange or as substitution for the TIF Notes initially delivered, shall be signed by the manual or facsimile signature of the Mayor, the Comptroller and the Treasurer of the City, attested by the manual or facsimile signature of the Register of the City, and shall have the official seal of the City affixed thereto or imprinted thereon. If any officer whose signature appears on any TIF Note ceases to be such officer before the delivery of such TIF Note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such person had remained in office until delivery. Any TIF Note may be signed by such persons who at the actual time of the execution of such TIF Note are the proper officers to sign such TIF Note although at the date of such TIF Note such persons may not have been such officers.

The Mayor, Comptroller, Treasurer and Register of the City are hereby authorized and directed to prepare and execute the TIF Notes as hereinbefore specified, and when duly executed, to deliver the TIF Notes to the Finance Officer for authentication.

The TIF Notes shall have endorsed thereon a certificate of authentication substantially in the form set forth in **Schedule A of Exhibit B** hereto, which shall be manually executed by an authorized signatory of the Finance Officer, but it shall not be necessary that the same signatory sign the certificate of authentication on all of the TIF Notes that may be issued hereunder at any one time. No TIF Note shall be entitled to any security or benefit under this Ordinance or be valid or obligatory for any purpose until the certificate of authentication has been duly executed by the Finance Officer. Such executed certificate of authentication upon any TIF Note shall be conclusive evidence that such TIF Note has been duly authenticated and delivered under this Ordinance.

The TIF Notes shall be initially executed and authenticated by the City upon acceptance of the following (i) a Certificate of Substantial Completion; (ii) a Certificate of Reimbursable Redevelopment Project Costs evidencing that the Developer has incurred Reimbursable Redevelopment Project Costs; and (iii) payment of the City's Issuance Costs in connection with the TIF Notes.

Upon approval of each Certificate of Reimbursable Redevelopment Project Costs, the Finance Officer shall either: (i) at the request of the City upon instructions of the Developer endorse an outstanding TIF Note on **Schedule A** thereto to evidence an increase in the aggregate principal amount equal to such Reimbursable Redevelopment Project Costs, or (ii) at the request of the City upon instructions of the Developer issue a new TIF Note in a principal amount equal to such Reimbursable Redevelopment Project Costs, or any combination thereof. Each date of endorsement of each such TIF Note shall be the date of acceptance by the City of each Certificate of Reimbursable Redevelopment Project Costs. Thereupon, pursuant to **Section 202(h)**, the TIF Notes shall either be held or delivered to or upon the order of the party submitting the Certificate of Reimbursable Redevelopment Project Costs relating to such Notes.

Upon acceptance by the City of such a Certificate of Reimbursable Redevelopment Project Costs in accordance with the Redevelopment Agreement and upon execution and authentication of the TIF Notes as required by this Ordinance, the Developer shall be deemed to have advanced funds to the City in an amount equal to the purchase price of the TIF Notes, which shall be 100% of the face amount of the TIF Notes, and, upon the issuance of an endorsement of the TIF Notes as provided in the preceding paragraph, the City shall be deemed to have reimbursed the Developer in full for such Reimbursable Redevelopment Project Costs.

**SECTION 208 Mutilated, Lost and Stolen TIF Notes.** If any mutilated TIF Note is surrendered to the Finance Officer or the Finance Officer receives evidence to his/her satisfaction of the destruction, loss or theft of any TIF Note and there is delivered to the Finance Officer such security or indemnity as may be required by it to save the City and the Finance Officer harmless, then, in the absence of notice to the Finance Officer that such TIF Note has been acquired by a bona fide purchaser, the City shall execute and the Finance Officer shall register and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen TIF Note, a new TIF Note with the same Maturity Date and of like tenor and principal amount. Upon the issuance of any new TIF Note under this Section, the City and the Finance Officer may require the payment by the Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses connected therewith. If any such mutilated, destroyed, lost or stolen TIF Note has become or is about to become due and payable, the Finance Officer may, in its discretion, pay such TIF Note instead of issuing a new TIF Note.

**SECTION 209 Cancellation, Discharge and Abatement of TIF Notes.** All TIF Notes that have been paid or redeemed or that otherwise have been surrendered to the Finance Officer, either at or before the Maturity Date, shall be canceled and destroyed by the Finance Officer in accordance with existing security regulations upon the payment or redemption of such TIF Note and the surrender thereof to the Finance Officer. The Finance Officer shall execute a certificate in duplicate describing the TIF Notes so canceled and destroyed, and shall file an executed counterpart of such certificate with the City.

**NOTWITHSTANDING ANY PROVISION IN THIS ORDINANCE OR IN THE TIF NOTES TO THE CONTRARY, THE TIF NOTES MAY BE SUBJECT TO CANCELLATION AND DISCHARGE BY THE CITY IN WHOLE WITHOUT PENALTY UNDER THE CONDITIONS SET FORTH IN SECTIONS 7.1 AND 7.2 OF THE REDEVELOPMENT AGREEMENT.**

### **ARTICLE III. REDEMPTION AND PAYMENT OF PRINCIPAL AND INTEREST**

**SECTION 301 Optional Redemption.** The TIF Notes are subject to optional redemption by the City in whole at any time or in part on any Payment Date at a redemption price of 100% of the principal amount of the TIF Note to be redeemed, plus accrued interest thereon to the date fixed for redemption. The TIF Notes shall be called by the City for optional redemption pursuant to this Section without the necessity of any action by the City other than as provided in **Section 403** of this Ordinance. If only a partial redemption is to occur, then each TIF Note shall be redeemed in the order of maturity designated by the City, and within any maturity the TIF Notes shall be redeemed in Authorized Denominations by the City in such manner as it may determine. In the event of an optional redemption of the Notes, unless waived by any Registered Owner of Notes to be redeemed, official notice of any redemption shall be given by the Finance Officer on behalf of the City by mailing a copy of an official redemption notice by first class mail, postage prepaid, at least thirty (30) days (five (5) days if all of the Notes are owned by the Developer) and not more than sixty (60) days prior to the date fixed for redemption, to each Registered Owner of the Notes to be redeemed at the address shown on the Note Register.

All official notices of optional redemption shall be dated and shall contain the following information: (a) the redemption date; (b) the redemption price; (c) if less than all outstanding Notes are to be redeemed, the identification number and maturity date(s) (and, in the case of partial redemption of any Notes, the respective principal amounts) of the Notes to be redeemed; (d) a statement that on the redemption date the redemption price will become due and payable upon each Note or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the redemption date; and (e) the place where such Notes are to be surrendered for payment of the redemption price, which shall be the office of the Finance Officer. The failure of any Registered Owner to receive notice given as heretofore provided or an immaterial defect therein shall not invalidate any redemption.

**SECTION 302 Special Mandatory Redemption.** The TIF Notes are subject to special mandatory redemption by the City on each Payment Date, at a redemption price equal to 100% of the principal amount being redeemed, together with accrued interest thereon to the date fixed for redemption, which amount of principal being redeemed shall be an amount equal to Available

Revenues then on deposit in the applicable account of the Special Allocation Fund and which will not be required for the payment of interest on such Payment Date. No official notice of special mandatory redemption is required hereunder and Notes shall be called by the Finance Officer for redemption without the necessity of any further action by the City.

#### **ARTICLE IV. FUNDS AND REVENUES**

**SECTION 401    Creation of Funds and Accounts.** There are hereby created or ratified and ordered to be established in the treasury of the City the Special Allocation Fund and within it the following separate funds and accounts:

- (a) a Revenue Fund and, within it, a PILOTs Account and an EATs Account, into which all TIF Revenues shall be deposited;
- (b) a Debt Service Fund; and
- (c) a Project Fund.

**SECTION 402    Administration of Funds and Accounts.** The Special Allocation Fund and the funds and accounts established therein shall be maintained in the treasury of the City and administered by the City solely for the purposes and in the manner as provided in the Act, this Ordinance and the Approving Ordinances so long as any TIF Notes remain outstanding hereunder.

#### **SECTION 403    Revenue Fund.**

- (a) On or before the date that is five (5) days prior to each Payment Date while the TIF Notes remain outstanding, the City shall transfer all Available Revenues to the Finance Officer for deposit into the Revenue Fund.
- (b) Moneys in the Revenue Fund shall be disbursed by the Finance Officer on each Payment Date, first from the EATs Account and then from the PILOTs Account, for the purposes and in the amounts as follows:

*First*, to the Comptroller of the City and the St. Louis Development Corporation, an amount sufficient to pay all or any portion of the fees and expenses incurred by the Comptroller of the City and the St. Louis Development Corporation but not to exceed the lesser of Four Thousand Four Hundred Dollars (\$4,400.00) or 0.4% of the Notes outstanding on January 1 of each calendar year, plus any accumulated deficiency from previous years, unless the City has incurred costs pursuant to Section 7.15 of the Redevelopment Agreement that have not otherwise been reimbursed to the City through the issuance of TIF Notes purchased by the Developer;

*Second*, to the Debt Service Fund, an amount sufficient to pay all or any portion of past due interest owing as a result of prior deficiencies of moneys to pay interest due any TIF Notes on each Payment Date;

*Third*, to the Debt Service Fund, an amount sufficient to pay all or any portion of the scheduled interest becoming due and payable on any TIF Notes on such Payment Date;

*Fourth*, to the Debt Service Fund, an amount sufficient to pay the principal of any TIF Notes subject to special mandatory redemption pursuant to **Section 302** of this Ordinance;

*Fifth*, to the City all other remaining money to be declared as surplus and distributed in the manner provided in the Act.

- (c) Upon the payment in full of the principal of and interest on all TIF Notes (or provision has been made for the payment thereof as specified in this Ordinance), payment in full of the fees and expenses of the Comptroller and the St. Louis Development Corporation, and payment in full of any other amounts required to be paid under this Ordinance, all amounts remaining on deposit in the Revenue Fund shall be declared as surplus and distributed in the manner provided in the Act.

#### **SECTION 404    Debt Service Fund.**

- (a) All amounts paid and credited to the Debt Service Fund shall be expended solely for (i) the payment of the principal of and interest on the TIF Notes as the same mature and become due or upon the redemption thereof, or (ii) to purchase Notes for cancellation prior to maturity.
- (b) The City hereby authorizes and directs the Finance Officer to withdraw sufficient moneys from the Debt Service Fund to pay the principal of and interest on the TIF Notes as the same become due and payable and to make said moneys so withdrawn available for the purpose of paying said principal of and interest on the TIF Notes.
- (c) After payment in full of the principal of and interest on the TIF Notes (or provision has been made for the payment thereof as specified in this Ordinance), payment of the fees and expenses of the Finance Officer, and payment of any other amounts required to be paid under this Ordinance, all amounts remaining in the Debt Service Fund shall be declared as surplus and distributed in the manner provided in the Act.

**SECTION 405 Project Fund.** Upon the acceptance by the City of a Certificate of Reimbursable Redevelopment Project Costs and the issuance or endorsement of a TIF Note pursuant to Section 207 of this Ordinance, the Developer shall be deemed to have advanced funds necessary to purchase such TIF Note and the City shall be deemed to have deposited such funds in the Project Fund and shall be deemed to have reimbursed the Developer in full for such costs from the amounts deemed to be on deposit in the Project Fund.

**SECTION 406 Nonpresentment of Notes.** If any TIF Note is not presented for payment when the principal thereof becomes due at stated maturity or prior redemption date, if funds sufficient to pay such TIF Note have been made available to the Finance Officer, all liability of the City to the Registered Owner thereof for the payment of such TIF Note shall forthwith cease, determine and be completely discharged, and thereupon it shall be the duty of the Finance Officer to hold such funds, without liability for interest thereon, for the benefit of the Registered Owner of such TIF Note, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Ordinance or on, or with respect to, said TIF Note. If any TIF Note is not presented for payment within five (5) years following the date when such TIF Note becomes due at maturity, the Finance Officer shall repay to the City the funds theretofore held by it for payment of such TIF Note, and such TIF Note shall, subject to the defense of any applicable statute of limitation, thereafter be an unsecured obligation of the City, and the Registered Owner thereof shall be entitled to look only to the City for payment, and then only to the extent of the amount so repaid to it by the Finance Officer, and the City shall not be liable for any interest thereon and shall not be regarded as a Finance Officer of such money.

#### ARTICLES V. REMEDIES

**SECTION 501 Remedies.** The provisions of this Ordinance, including the covenants and agreements herein contained, shall constitute a contract between the City and the Owner. The Owner shall have the right:

(a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of the Owner against the City and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of this Ordinance or by the constitution and laws of the State of Missouri;

(b) by suit, action or other proceedings in equity or at law to require the City, its officers, agents and employees to account as if they were the trustees of an express trust; and

(c) by suit, action or other proceedings in equity or at law of enjoin any acts or things which may be unlawful or in violation of the rights of the Owner.

**SECTION 502 Limitation on Rights of Owner.** The Owner secured hereby shall not have any right in any manner whatever by its action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided.

**SECTIONS 503 Remedies Cumulative.** No remedy conferred herein upon the Owner is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the Owner shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of the Owner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the Owner by this Ordinance may be enforced and exercised from time to time and as often as may be deemed expedient. If any suit, action or proceedings taken by the Owner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or has been determined adversely to the Owner, then, and in every such case, the City and the Owner shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Owner shall continue as if no such suit, action or other proceedings had been brought or taken.

#### ARTICLE VI. DEPOSIT AND INVESTMENT OF MONEYS

**SECTION 601 Deposits of Moneys.** All moneys deposited with or paid to the Finance Officer for the account of the various funds established under this Ordinance shall be held by the Finance Officer in trust and shall be applied only in accordance with this Ordinance. The Finance Officer shall not be under any liability for interest on any moneys received hereunder except as otherwise provided herein

**SECTION 602 Investment of Moneys.** Moneys held in any fund or account referred to in this Ordinance shall be invested by the City in Government Obligations or in time or demand deposits or in certificates of deposit issued by any bank having combined capital, surplus and undivided profits of at least Fifty Million Dollars (\$50,000,000) but only to the extent such time or demand deposits or certificates of deposit are fully insured by the Federal Deposit Insurance Corporation; provided, however, that no such investment shall be made for a period extending longer than the date when the moneys invested may be needed for the purpose for which such fund was created. All earnings on any investments held in any fund shall accrue to and become a part of such fund or account.

## ARTICLE VII MISCELLANEOUS PROVISIONS

**SECTION 701 Covenant to Request Appropriations.** The City agrees that the officer of the City at any time charged with the responsibility of formulating budget proposals will be directed to include in the budget proposal submitted to the Board of Aldermen for each fiscal year that the TIF Notes are outstanding a request for an appropriation of all moneys on deposit in the Special Allocation Fund for transfer to the Finance Officer for deposit at the times and in the manner provided in Section 403 of this Ordinance.

**SECTION 702 Tax Matters.** Neither the City nor the Developer shall use or permit the use of any proceeds of the Tax Exempt TIF Note to acquire any securities or obligations, and shall not take or permit to be taken any other action or actions, which would cause the Tax Exempt TIF Note to be an "arbitrage bond" within the meaning of Section 148(a) of the Code, or "federally guaranteed" within the meaning of Section 149(b) of the Code. The City (to the extent within its power or discretion) and the Developer shall not use or permit the use of any proceeds of the Tax Exempt TIF Note, and shall not take or permit to be taken any other action or actions, which would result in the Tax Exempt TIF Note being treated as other than an obligation described in Section 103(a) of the Code. The City (to the extent within its power or discretion) and the Developer shall not use any portion of the proceeds of the Tax Exempt TIF Note, including any investment income earned on such proceeds, in any manner that would cause the Tax Exempt TIF Note to be a "private activity bond" within the meaning of Section 141(a) of the Code. The officers of the City, including the Mayor, the Comptroller, the Treasurer, the Register and the Finance Officer, shall be, and they hereby are, authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Section.

**SECTION 703 Payments Due on Saturdays, Sundays and Holidays.** In any case where the Payment Date is a Saturday, a Sunday or a legal holiday or other day that is not a business day, then payment of principal or interest need not be made on such date but may be made on the next succeeding business day with the same force and effect as if made on the Payment Date, and no interest shall accrue for the period after such date.

**SECTION 704 Notices, Consents and Other Instruments.** Any notice, consent, request, direction, approval, objection or other instrument required by this Ordinance to be signed and executed by the Owner of the TIF Notes may be in any number of concurrent writings of similar tenor and may be signed or executed by such Owner in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of the TIF Note, if made in the following manner, shall be sufficient for any of the purposes of the Ordinance, and shall be conclusive in favor of the City with regard to any action taken, suffered or omitted under any such instrument, namely:

(a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to take acknowledgments within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution.

(b) The fact of ownership of the TIF Note, the amount or amounts and other identification of the TIF Note, and the date of holding the same shall be proved by the registration books of the City.

**SECTION 705 Execution of Documents; Further Authority.** The City is hereby authorized to enter into and the Mayor, the Comptroller and the Treasurer of the City are hereby authorized and directed to execute and deliver, for and on behalf of and as the act and deed of the City, the TIF Notes and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance. The officers of the City, including without limitation the Mayor, the Comptroller, the Treasurer and the Register, are hereby authorized and directed to execute, and the City Register is hereby authorized and directed where appropriate to attest, all certificates, documents or other instruments, and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instrument and other documents herein approved, authorized and confirmed which they determine to be in the City's best interest, and the execution or taking of such action shall be conclusive evidence of such determination.

**SECTION 706 Severability.** If any section or other part of this Ordinance, whether large or small, is for any reason be held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Ordinance.

**SECTION 707 Governing Law.** This Ordinance shall be governed exclusively by and constructed in accordance with the applicable internal laws of the State of Missouri.

**SECTION 708 Private Sale.** The City Council of the City hereby declares that it is in the City's best interest to sell the TIF Notes at private sale because a public sale of the TIF Notes would cause additional expense to the City and because the condition of the current financial markets makes such a public sale not feasible or the best course of action for the City.

### EXHIBIT A Legal Description of Redevelopment Area

The legal description of the Redevelopment Area includes the following parcels:

1141-1151 South Seventh Street (Parcel I.D. No. 04610000110)

Lots 13 through 31 and the alleys vacated herein, in City Block 461 of the City of St. Louis, bounded on the East by the West line of 7th Street, on the South by the North line of Hickory Street, and on the West by the East line of 8th Street and on the North by property now or formerly of Ralston Purina Company.

And

1146 South Seventh Street (Parcel I.D. No. 01510000100)

C.B. 151 7th, 124 ft./irregular, x 149 ft/157 ft. 0-1/4 inch, Pitzman Addition Lot PT 637, Bnd S by Hickory Street.

and includes all intervening streets and alleys. Final survey to govern.

**EXHIBIT B**  
**Form of Note**

***THIS TIF NOTE OR ANY PORTION HEREOF MAY BE TRANSFERRED, ASSIGNED  
OR NEGOTIATED ONLY TO "APPROVED INVESTORS," AS DEFINED HEREIN,  
AND IN ACCORDANCE WITH THE PROVISIONS HEREOF.***

**UNITED STATES OF AMERICA  
STATE OF MISSOURI**

**Registered  
No. R-\_\_**

**Registered  
Not to Exceed \$1,136,600  
(See Schedule A attached)**

**CITY OF ST. LOUIS, MISSOURI**

**[TAXABLE][TAX-EXEMPT] TAX INCREMENT REVENUE NOTE  
(1141-1151 SOUTH SEVENTH STREET REDEVELOPMENT PROJECT)  
SERIES 2002**

Rate of Interest: [7.0%][5.5%]	Maturity Date: _____, 2025	Dated Date: _____, 2002	CUSIP Number: None
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REGISTERED OWNER:

PRINCIPAL AMOUNT: See SCHEDULE A attached hereto.

The **CITY OF ST. LOUIS, MISSOURI**, a body corporate and a political subdivision duly organized and validly existing under its charter and the Constitution and laws of the State of Missouri (the "City"), for value received, hereby promises to pay to the Registered Owner shown above, or registered assigns, the Principal Amount shown from time to time on **Schedule A** attached hereto on the Maturity Date shown above unless called for redemption prior to the Maturity Date, and to pay interest thereon from the effective date of registration shown from time to time on **Schedule A** attached hereto or from the most recent Payment Date to which interest has been paid or duly provided for, at the Rate of Interest shown above computed on the basis of a 360-day year of twelve 30-day months. Interest and principal shall be payable each June 1 and December 1 (each, a "Payment Date"), commencing on the first June 1 or December 1 following the acceptance of the Certificate of Substantial Completion in accordance with the Redevelopment Agreement between the City and Richard Yackey (the "Developer"), dated as of \_\_\_\_\_, 2002 (the "Redevelopment Agreement"), until the TIF Notes are paid in full. The TIF Notes shall bear interest from their registration date or from the most recent Payment Date to which interest has been paid or duly provided for. Interest that accrues but remains unpaid on any Payment Date shall be compounded semi-annually.

Except as otherwise provided herein, the capitalized terms herein shall have the meanings as provided in Ordinance No. \_\_\_\_\_ [Board Bill \_\_\_\_] adopted by the Board of Aldermen on \_\_\_\_\_, 2002 (the "Note Ordinance") or the Redevelopment Agreement.

**THE OBLIGATIONS OF THE CITY WITH RESPECT TO THIS TIF NOTE TERMINATE ON \_\_\_\_\_, 2025, WHETHER OR NOT THE PRINCIPAL AMOUNT OR INTEREST HEREON HAS BEEN PAID IN FULL. REFERENCE IS MADE TO THE NOTE ORDINANCE FOR A COMPLETE DESCRIPTION OF THE CITY'S OBLIGATIONS HEREUNDER.**

Subject to the preceding paragraph, the principal of and interest on this TIF Note shall be paid at maturity or upon earlier redemption as provided in **Article III** of the Note Ordinance to the person in whose name this TIF Note is registered at the maturity or redemption date hereof, upon presentation and surrender of this TIF Note at the payment office of the Comptroller of the City or her authorized agent (the "Finance Officer"). The principal of and interest on the TIF Notes shall be payable in any coin or currency of the United States of America which, at the respective dates of payment thereof, is legal tender for the payment of debts due the United States of America. The principal of or interest on this TIF Note shall be payable by check or draft at the office of the Finance

Officer to the person in whose name this TIF Note is registered on the Register on each Payment Date. Except as otherwise provided in **Section 208** of the Note Ordinance with respect to mutilated, destroyed, lost or stolen TIF Notes, no principal on the TIF Notes is payable unless the Owner thereof has surrendered such TIF Notes at the office of the Finance Officer.

This TIF Note is one of an authorized series of fully registered Notes of the City designated "City of St. Louis, Missouri, [Taxable][Tax-Exempt] Tax Increment Revenue Notes (1141-1151 South Seventh Street Redevelopment Project), Series 2002," issued in an aggregate principal amount of not to exceed \$1,136,600 (the "Notes"). The TIF Notes are being issued for the purpose of paying a portion of the Redevelopment Project Costs in connection with the Redevelopment Plan, under the authority of and in full compliance with the Constitution and laws of the State of Missouri, including particularly the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865, of the Revised Statutes of Missouri, as amended (the "Act"), and pursuant to the Note Ordinance.

The TIF Notes and the interest thereon shall be special, limited obligations of the City payable solely from and secured as to the payment of principal and interest, by the Available Revenues and other moneys pledged thereto and held by the Finance Officer as provided herein. "Available Revenues" means (a) all monies on deposit in the PILOTs Account of the Special Allocation Fund; and (b) all monies on deposit in the Economic Activity Tax Account of the Special Allocation Fund that have been appropriated to the repayment of the TIF Notes, excluding (i) any amount paid under protest until the protest is withdrawn or resolved against the taxpayer or (ii) any sum received by the City which is the subject of a suit or other claim communicated to the City which suit or claim challenges the collection of such sum.

The monies on deposit in the PILOTs Account of the Special Allocation Fund are those payments in lieu of taxes (as defined in Sections 99.805(10) and 99.845 of the Act) attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract or parcel of real property in the Redevelopment Area (as described in **Exhibit A** to the Note Ordinance) over and above the initial equalized assessed valuation (as provided for by Section 99.855 of the Act) of each taxable lot, block, tract or parcel of real property in the Redevelopment Area, as paid to the City's Treasurer by the City's Collector of Revenue during the term of the Redevelopment Plan and the Redevelopment Project.

The monies on deposit in the EATs Account of the Special Allocation Fund are those amounts equal to fifty percent (50%) of the total additional revenues from taxes which are imposed by the City or any other taxing district (as that term is defined in Section 99.805(16) of the Act) and which are generated by economic activities within the Redevelopment Area over the amount of such taxes generated by economic activities within the Redevelopment Area in the calendar year ending December 31, 2001 (subject to annual appropriation by the City as provided in the Act), during the term of the Redevelopment Plan and Redevelopment Project, but excluding therefrom personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees or special assessments, other than payments in lieu of taxes, taxes levied pursuant to Section 70.500 of the Revised Statutes of Missouri, as amended, and taxes levied for the purpose of public transportation pursuant to Section 94.660 of the Revised Statutes of Missouri, as amended, all in accordance with Section 99.845.3 of the Act, as may be amended from time to time.

All TIF Notes shall be equally and ratably secured by Available Revenues. The TIF Notes shall be special, limited obligations of the City payable solely from and secured as to the payment of principal and interest by a pledge of the Available Revenues. The taxing power of the City is not pledged to the payment of the TIF Notes either as to principal or interest. The TIF Notes shall not be or constitute a general obligation of the City, nor shall they constitute an indebtedness of the City within the meaning of any constitutional, statutory or charter provision, limitation or restriction. **THE OBLIGATIONS OF THE CITY WITH RESPECT TO THE TIF NOTES SHALL TERMINATE ON THE FIRST TO OCCUR OF THE FULL PAYMENT AND DISCHARGE OF THE TIF NOTES OR THE MATURITY DATE (WHETHER OR NOT THE PRINCIPAL AMOUNT OR INTEREST HAS BEEN PAID IN FULL).**

Available Revenues shall be applied, first from the EATs Account and then from the PILOTs Account, to payments on this TIF Note as follows:

*First*, to the Comptroller of the City and the St. Louis Development Corporation, an amount sufficient to pay all or any portion of the fees and expenses incurred by the Comptroller of the City and the St. Louis Development Corporation but not to exceed the lesser of Four Thousand Four Hundred Dollars (\$4,400.00) or 0.4% of the Notes outstanding on January 1 of each calendar year, plus any accumulated deficiency from previous years, unless the City has incurred costs pursuant to Section 7.15 of the Redevelopment Agreement that have not otherwise been reimbursed to the City through the issuance of TIF Notes purchased by the Developer;

*Second*, to the Debt Service Fund, an amount sufficient to pay all or any portion of past due interest owing as a result of prior deficiencies of moneys to pay interest due any TIF Notes on each Payment Date;

*Third*, to the Debt Service Fund, an amount sufficient to pay all or any portion of the scheduled interest becoming due and payable on any TIF Notes on such Payment Date;

*Fourth*, to the Debt Service Fund, an amount sufficient to pay the principal of any TIF Notes subject to special mandatory redemption pursuant to **Section 302** of the Note Ordinance;

*Fifth*, to the City all other remaining money to be declared as surplus and distributed in the manner provided in the Act.



Upon the payment in full of the principal of and interest on the TIF Notes (or provision has been made for the payment thereof as specified in this Note Ordinance), payment in full of the fees and expenses of the Comptroller and the St. Louis Development Corporation, and payment in full of any other amounts required to be paid under this Note Ordinance, all amounts remaining on deposit in the Revenue Fund and the Debt Service Fund shall be declared as surplus and distributed in the manner provided in the Act.

The City covenants that the officer of the City at any time charged with the responsibility of formulating budget proposals will be directed to include in the budget proposal submitted to the Board of Aldermen of the City for each fiscal year that the TIF Notes are outstanding a request for an appropriation of all moneys on deposit in the Special Allocation Fund for transfer to the Finance Officer for deposit at the times and in the manner provided in Section 403 of the Note Ordinance.

**NOTWITHSTANDING ANY PROVISION IN THE NOTE ORDINANCE OR IN THE TIF NOTES TO THE CONTRARY, THE TIF NOTES MAY BE SUBJECT TO CANCELLATION AND DISCHARGE BY THE CITY IN WHOLE WITHOUT PENALTY UNDER THE CONDITIONS SET FORTH IN SECTIONS 7.1 AND 7.2 OF THE REDEVELOPMENT AGREEMENT.**

The TIF Notes are subject to optional redemption by the City in whole at any time or in part on any Payment Date at a redemption price of 100% of the principal amount of the TIF Note to be redeemed, plus accrued interest thereon to the date fixed for redemption.

The TIF Notes are subject to special mandatory redemption by the City on each Payment Date, at a redemption price equal to 100% of the principal amount being redeemed, together with accrued interest thereon to the date fixed for redemption, in an amount equal to Available Revenues on deposit in the applicable account of the Special Allocation Fund and which will not be required for the payment of interest on such Payment Date.

The TIF Notes or portions of Notes to be redeemed shall become due and payable on the redemption date, at the redemption price therein specified, and from and after the redemption date (unless the City defaults in the payment of the redemption price) such TIF Notes or portion of TIF Notes shall cease to bear interest. Upon surrender of such TIF Notes for redemption in accordance with such notice, the redemption price of such TIF Notes shall be paid by the Finance Officer. Installments of interest due on or prior to the redemption date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any TIF Note, there shall be prepared for the Registered Owner a new TIF Note or Notes of the same maturity in the amount of the unpaid principal as provided herein. All TIF Notes that have been redeemed shall be cancelled and destroyed by the Finance Officer as provided herein and shall not be reissued.

TIF Notes shall be redeemed only in the principal amount of One Thousand Dollars (\$1,000) or any integral multiple thereof. When less than all of the outstanding TIF Notes are to be redeemed and paid prior to maturity, such TIF Notes shall be selected by the Finance Officer in One Thousand Dollar (\$1,000) units of face value in such equitable manner as the Finance Officer may determine.

The TIF Notes are issuable in the form of fully registered Notes without coupons in minimum denominations of One Hundred Thousand Dollars (\$100,000) or any integral multiple \$1,000 in excess thereof, except with respect to the Notes issued upon acceptance by the City of the final Certificate of Reimbursable Redevelopment Project Costs, which Notes may be issued in any denomination, subject to the limitation on the aggregate Principal Amount.

This TIF Note may be transferred or exchanged as provided in the Note Ordinance only upon the Register, upon surrender of this TIF Note together with a written instrument of transfer satisfactory to the Finance Officer duly executed by the Registered Owner or the Registered Owner's duly authorized agent.

**THE OWNER HEREOF EXPRESSLY AGREES, BY SUCH OWNER'S ACCEPTANCE HEREOF, THAT THE RIGHT TO PURCHASE, TRANSFER, ASSIGN OR NEGOTIATE THIS TIF NOTE SHALL BE LIMITED TO PURCHASE, TRANSFER, ASSIGNMENT OR NEGOTIATION TO APPROVED INVESTORS AND UPON THE EXECUTION BY THE PROPOSED PURCHASER OR TRANSFEREE OF AN INVESTMENT LETTER IN SUBSTANTIALLY THE FORM OF EXHIBIT C TO THE NOTE ORDINANCE, SIGNED BY THE PROPOSED PURCHASER OR TRANSFEREE, SHOWING THAT THE PROPOSED PURCHASER OR TRANSFEREE IS AN APPROVED INVESTOR. "Approved Investor" means (a) the Developer or any party or entity related to the Developer by one of the relationships described in Section 267(b) of the Internal Revenue Code of 1986, as amended, (b) an "accredited investor" under Rule 501(a) of Regulation D promulgated under the Securities Act of 1933, (c) a "qualified institutional buyer" under Rule 144A promulgated under the Securities Act of 1933 or (d) any general business corporation or enterprise with total assets in excess of \$50,000,000.**

Subject to the limitations of the preceding paragraph, upon surrender thereof at the office of the Finance Officer, the Finance Officer shall transfer or exchange any TIF Note for a new TIF Note of the same maturity and in the same principal amount as the Outstanding principal amount of the TIF Note that was presented for transfer or exchange. Any TIF Note presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Finance Officer, duly executed by the Registered Owner thereof or by the Registered Owner's duly authorized agent.

This TIF Note shall not be valid or binding on the City or be entitled to any security or benefit under the Indenture until the Certificate of Authentication hereon has been executed by the Finance Officer.

**IT IS HEREBY CERTIFIED AND DECLARED** that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of the TIF Notes have existed, happened and been performed in due time, form and manner as required by law.

**IN WITNESS WHEREOF**, the **CITY OF ST. LOUIS, MISSOURI** has executed this TIF Note by causing it to be signed by the manual or facsimile signature of its Mayor, Comptroller and Treasurer and attested by the manual or facsimile signature of its City Register, and its official seal to be affixed or imprinted hereon, and this TIF Note to be dated as of the effective date of registration as shown on **Schedule A** attached hereto.

THE REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK.

CITY OF ST. LOUIS, MISSOURI

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
Comptroller

By: \_\_\_\_\_  
Treasurer

Attest:

(Seal)

\_\_\_\_\_  
City Register

Approved as to Form:

\_\_\_\_\_  
City Counselor

#### ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

\_\_\_\_\_  
(Print or Type Name, Address and Social Security Number  
or other Taxpayer Identification Number of Transferee)

the within TIF Note and all rights thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_ agent to transfer the within Note on the books kept by the Finance Officer for the registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_.

NOTICE: The signature to this assignment must correspond with the name of the Registered Owner as it appears on the face of the within Note in every particular.

Signature Guaranteed By:

\_\_\_\_\_  
(Name of Eligible Guarantor Institution)

By: \_\_\_\_\_  
Title: \_\_\_\_\_

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution as defined by SEC Rule 17Ad-15 (17 CFR 240.17Ad-15).

**SCHEDULE A**  
**CERTIFICATE OF AUTHENTICATION**

This TIF Note is one of the Series 2002 TIF Notes described in the within-mentioned Note Ordinance.

<u>Date<sup>(1)</sup></u>	<u>Additions to Principal Amount<sup>(2)</sup></u>	<u>Principal Amount Paid</u>	<u>Outstanding Principal Amount</u>	<u>Authorized Signatory of Finance Officer</u>
_____, ____	\$	\$	\$	
_____, ____				
_____, ____				
_____, ____				
_____, ____				
_____, ____				
_____, ____				
_____, ____				
_____, ____				
_____, ____				
_____, ____				

- (1) Date of approval of each Certificate of Reimbursable Redevelopment Project Costs, as provided in Section 5.2 of the Redevelopment Agreement (which constitutes Date of Authentication with respect to such portion of the Note) or Payment Date.
- (2) Limited to denominations of \$100,000 or any \$1,000 increment in excess thereof, except with respect to an advance pursuant to the final Certificate of Reimbursable Redevelopment Project Costs, which may be in any denomination, subject to the limitation on the aggregate principal amount provided for in the Note Ordinance.

**EXHIBIT C**  
**Form of Letter of Representations**

\_\_\_\_\_, 20\_\_

City of St. Louis  
City Hall  
Tucker and Market Streets  
St. Louis, Missouri 63103  
Attention: Mayor, Room 200  
Attention: Comptroller, Room 311

Re: Not to Exceed \$1,136,600 City of St. Louis, Missouri, Tax Increment Revenue Notes, (1141-1151 South Seventh Street Redevelopment Project), Series 2002

Ladies and Gentlemen:

This letter is to provide you with certain representations and agreements with respect to the purchase by the undersigned of not to exceed \$1,136,600 aggregate principal amount of Tax Increment Revenue Notes, (1141-1151 South Seventh Street Redevelopment Project), Series 2002 (the "TIF Notes"), issued by the City of St. Louis, Missouri (the "City"). The TIF Notes are secured in the manner set forth in Ordinance No. \_\_\_\_\_ of the City adopted on \_\_\_\_\_, 2002 (the "Note Ordinance"). The undersigned hereby represents to each of you and agrees with each of you, as follows:

1. The undersigned is an Approved Investor (as defined in the Note Ordinance).
2. The undersigned acknowledges that the City has not made any representation or warranty concerning the accuracy or completeness of any information furnished in connection with the purchase by the undersigned of the TIF Notes. Accordingly, the undersigned has not relied upon the City as to the accuracy or completeness of such information. As a sophisticated investor, the undersigned has made its own decision to purchase the TIF Notes based solely upon its own inquiry and analysis.
3. The undersigned understands that the TIF Notes do not constitute an indebtedness of the City or a loan or credit

thereof within the meaning of any constitutional or statutory debt limitation or restriction.

4. The undersigned is familiar with and has counsel who are familiar with the federal and state legislation, rules, regulations and case law pertaining to the transfer and distribution of securities, including, but not limited to, disclosure obligations of the seller incident to any such transfer or distribution. The undersigned hereby covenants and agrees that the undersigned will not sell, offer for sale, pledge, transfer, convey, hypothecate, mortgage or dispose of the TIF Notes or any interest therein in violation of applicable federal or state law or in violation of restrictions on sale, assignment, negotiation or transfer of the TIF Notes as set forth in paragraph 6 below.

5. The undersigned is purchasing the TIF Notes for its own account for investment (and not on behalf of another) and, other than a contemplated pledge of the TIF Notes, has no present intention of reselling the TIF Notes or dividing its interest therein. Notwithstanding the foregoing, the undersigned has the right to sell, offer for sale, pledge, transfer, convey, hypothecate, mortgage or dispose of the TIF Notes at some future date determined by it, provided that such disposition is not in violation of restrictions on sale, assignment, negotiation or transfer of the TIF Notes as set forth in paragraph 6 below.

6. The undersigned acknowledges that the right to sell, assign, negotiate or otherwise transfer the TIF Notes shall be limited to Approved Investors (as defined in the Note Ordinance).

7. The undersigned agrees to indemnify and hold you harmless from any and all claims, judgments, attorneys' fees and expenses of whatsoever nature, whether relating to litigation or otherwise, resulting from any attempted or affected sale, offer for sale, pledge, transfer, conveyance, hypothecation, mortgage or disposition of the TIF Notes in violation of this letter.

8. The undersigned has satisfied itself that the TIF Notes may be legally purchased by the undersigned.

Sincerely,

\_\_\_\_\_,  
as Purchaser

By: \_\_\_\_\_  
Title: \_\_\_\_\_

Approved: December 10, 2002

**ORDINANCE #65716  
Board Bill No. 323  
Committee Substitute**

An ordinance recommended by the Board of Estimate and Apportionment pertaining to the Affordable Housing Commission, appropriating from FUND 1110 AFFORDABLE HOUSING AND HEALTH CARE TRUST FUNDS, Cost Center 1430010, Nine Million Seven Hundred Seventy-Nine Thousand Two Hundred Seventy-Five Dollars (\$9,779,275.00) to the Affordable Housing Commission to be used for the purposes set forth in Ordinance 65132, and containing an emergency clause.

**WHEREAS**, Ordinance 65427, approved February 21, 2002, appropriated Two Million, Two Hundred Thirty-Eight Thousand, One Hundred Thirty-Nine Dollars (\$2,238,139.00) to the Affordable Housing Commission; and

**WHEREAS**, said funds were neither spent or encumbered and therefore said funds remain in the Affordable Housing Trust Fund; and

**WHEREAS**, in addition to said funds, there also remains in the Affordable Housing Trust Fund an amount not less than Seven Million, Five Hundred Thousand Dollars (\$7,500,000.00); and

**WHEREAS**, the amounts deposited into the fund have earned interest in at least the amount of Forty-One Thousand One Hundred Thirty-Six Dollars (\$41,136).

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** There is hereby appropriated from FUND 1110 AFFORDABLE HOUSING AND HEALTH CARE TRUST FUNDS, Cost Center 1430010, Nine Million Seven Hundred Seventy-Nine Thousand Two Hundred Seventy-Five Dollars (\$9,779,275.00) to the Affordable Housing Commission, Department 143, to be used in accordance with and for the purposes set forth in Ordinance 65132 and for the purposes and in the amounts set forth in the attached Exhibit A, including, but not limited to loans and grants. The amount set forth above shall be in addition to the \$2,238,138 previously appropriated for City Fiscal Year 2002-03.

**SECTION TWO.** This being an ordinance necessary for the immediate preservation of the public peace, health and safety it is hereby declared to be an emergency ordinance as provided for by Article IV, Section 20 of the Charter of the City of St. Louis, and shall be effective immediately upon approval by the Mayor or its approval over his veto.

Approved: December 10, 2002

## ORDINANCE #65716 - EXHIBIT A

## EXHIBIT A

REVISED 11/8/02

City of St. Louis  
FY2002-03

UNITS: 116,  
01-01-013  
NAME: Affordable Housing Commission

ACCT	ITEM DESCRIPTION	Ord. #65500 (FARNS D) Original Appropriation	THIS ORDINANCE: Supplemental Appropriation	Total FY02 Appropriation
<b>PERSONAL SERVICES</b>				
5101	Salaries - Regular Employees	\$150,000	\$45,000	\$195,000
5112	Salaries - Part Performance Employees	0	5,000	5,000
5135	Employer Social Security Coverage	1,175	3,443	4,618
5127	Employees Health Insurance	6,795	3,405	10,200
5138	Employees Retirement Plan	6,150	10,493	16,643
5145	Employees Life Insurance	774	172	946
5199	Reserve For 20th Pay	525	0	525
		<u>175,349</u>	<u>67,513</u>	<u>242,862</u>
<b>MATERIALS and SUPPLIES</b>				
5235	Office and Computer	7,500	7,500	15,000
5245	Education and Training	4,000	0	4,000
		<u>11,500</u>	<u>7,500</u>	<u>19,000</u>
<b>RENTAL and NON-CAPITAL LEASES</b>				
5325	Office and Computer	1,000	0	1,000
5345	Education and Training	1,750	0	1,750
5382	Land and Buildings	1,000	4,500	5,500
		<u>3,750</u>	<u>4,500</u>	<u>8,250</u>
<b>CONTRACTUAL and OTHER SERVICES</b>				
5635	Office and Computer	7,000	0	7,000
5645	Travel	4,000	3,500	7,500
5616	Education and Training	250	58,000	58,250
5617	Transportation	2,000	1,000	3,000
5619	Utilities	500	500	1,000
5653	Internal Services	500	500	1,000
5659	Professional Services	55,000	56,000	111,000
5665	Subsidy - Housing Assistance	2,025,320	9,575,262	11,600,582
		<u>2,085,270</u>	<u>9,604,762</u>	<u>11,690,032</u>
<b>DEBT SERVICE and SPECIAL ITEMS</b>				
5875	Administrative Fees	0	5,000	5,000
		<u>0</u>	<u>5,000</u>	<u>5,000</u>
Department Total		<u>\$2,338,139</u>	<u>\$9,779,275</u>	<u>\$12,117,414</u>

**ORDINANCE #65717**  
**Board Bill No. 326**

**AN ORDINANCE DESIGNATING A PORTION OF THE CITY OF ST. LOUIS, MISSOURI A REDEVELOPMENT AREA; APPROVING A REDEVELOPMENT PLAN; AND APPROVING REDEVELOPMENT PROJECT AREA NUMBER 1 AND THE PROJECTS THEREIN UNDER THE REAL PROPERTY TAX INCREMENT ALLOCATION REDEVELOPMENT ACT; AND MAKING FINDINGS RELATED THERETO.**

**WHEREAS**, the City of St. Louis, Missouri (the "City"), is a body corporate and a political subdivision of the State of Missouri, duly created, organized and existing under and by virtue of its charter, the Constitution and laws of the State of Missouri; and

**WHEREAS**, on December 20, 1991, pursuant to Ordinance No. 62477, the Board of Aldermen of the City created the Tax Increment Financing Commission of the City of St. Louis, Missouri (the "TIF Commission"); and

**WHEREAS**, the TIF Commission is duly constituted according to the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the "TIF Act"), and is authorized to hold public hearings with respect to proposed redevelopment areas and redevelopment plans and to make recommendations thereon to the City; and

**WHEREAS**, at the direction of the Board of Aldermen, staff and consultants have prepared a plan for redevelopment titled "Redevelopment Plan-Paul Brown/Arcade Redevelopment Area" dated August 14, 2002 (the "Redevelopment Plan"), for an area generally bounded by Olive Street on the North, 8th Street on the East, Pine Street on the South, and 9th Street on the West (the "Redevelopment Area"), which Redevelopment Area is more fully described in the Redevelopment Plan; and

**WHEREAS**, the Redevelopment Plan envisions the acquisition and rehabilitation of three structures to create residential, office and retail space, and the construction of parking and sidewalk improvements, landscaping and abatement of asbestos and other environmental contaminants (the "Redevelopment Project"); and

**WHEREAS**, Paul Brown Developer, L.P. (the "Developer"), in response to the City's solicitation of proposals from developers, submitted its development proposal dated July 24, 2002 (the "Redevelopment Proposal"), for redevelopment of the Redevelopment Area; and

**WHEREAS**, on October 16, 2002, after all proper notice was given, the TIF Commission held a public hearing in conformance with the TIF Act, and received comments from all interested persons and taxing districts relative to the Redevelopment Area, the Redevelopment Plan, the Redevelopment Project and the Redevelopment Proposal; and

**WHEREAS**, following the conclusion of the public hearing, the TIF Commission at its October 16, 2002 meeting voted to recommend to the Board of Aldermen the designation of the Redevelopment Area as a redevelopment area, the approval of the Redevelopment Plan, and adoption of the redevelopment project for Redevelopment Project Area Number 1 as set forth in the Redevelopment Plan (the "RPA 1"); and

**WHEREAS**, the Board of Aldermen has received the recommendations of the TIF Commission regarding the Redevelopment Area and the Redevelopment Plan and finds that it is desirable and in the best interests of the City to designate the Redevelopment Area as a "redevelopment area" as provided in the TIF Act and to adopt the Redevelopment Plan and implement the redevelopment project set forth in RPA 1 in order to encourage and facilitate the redevelopment of the Redevelopment Area.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ST. LOUIS, MISSOURI, AS FOLLOWS:**

**SECTION 1.** The Board of Aldermen hereby makes the following findings:

(a) The Redevelopment Area on the whole is a "blighted area" as defined in Section 99.805(1) of the TIF Act, and has not been subjected to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of tax increment allocation financing and the Redevelopment Plan. This finding includes and the Redevelopment Plan sets forth and the Board of Aldermen hereby finds and adopts by reference: (a) a detailed description of the factors that qualify the Redevelopment Area as a "blighted area" and (b) an affidavit, signed by the Developer and submitted with the Redevelopment Plan attesting that the provisions of Section 99.810.1(1) of the TIF Act have been met, which description and affidavit are incorporated herein as if set forth here in full.

(b) The Redevelopment Plan conforms to the City's comprehensive plan for the development of the City as a whole.

(c) In accordance with the TIF Act, the Redevelopment Plan states the estimated dates of completion of the Redevelopment Project and retirement of the financial obligations issued to pay for certain Redevelopment Project costs and these dates are twenty three (23) years or less from the date of approval of the Redevelopment Project.

(d) A plan has been developed for relocation assistance for business and residences in Ordinance No. 62481 adopted December 20, 1991.

(e) The Redevelopment Plan includes a cost-benefit analysis showing the economic impact of the Redevelopment Plan on each taxing district which is at least partially within the boundaries of the Redevelopment Area, which cost-benefit analysis shows the impact on the economy if the project is not built and is built pursuant to the Redevelopment Plan and is incorporated herein as if fully set forth here in full.

(f) The Redevelopment Plan does not include the initial development of any gambling establishment.

(g) The Redevelopment Area includes only those parcels of real property and improvements thereon substantially benefited by the proposed Redevelopment Project and improvements.

**SECTION 2.** The Redevelopment Area is hereby designated as a "redevelopment area" as defined in Section 99.805(10) of the TIF Act.

**SECTION 3.** The Redevelopment Plan and the redevelopment projects within RPA 1 described in the Redevelopment Plan are hereby approved and adopted. A copy of the Redevelopment Plan setting forth the RPA 1 is attached hereto as Exhibit A and incorporated herein by reference.

**SECTION 4.** The Mayor and Comptroller of the City and all other officers, agents, representatives and employees of the City are hereby authorized to take any and all actions as may be deemed necessary, desirable, convenient or proper to carry out and comply with the intent of this Ordinance with regard to the implementation of the Redevelopment Plan and to execute and deliver for and on behalf of the City all certificates, instruments or other documents as may be necessary, desirable, convenient or proper to carry out the matters herein authorized.

**SECTION 5.** It is hereby declared to be the intention of the Board of Aldermen that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Aldermen intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accord with the legislative intent.

**SECTION 6.** This Ordinance shall become effective upon adoption by the Board of Aldermen and approval by the Mayor or failure of the Mayor to so approve or disapprove within twenty (20) days after its presentation to the Mayor.

**EXHIBIT A**  
Redevelopment Plan  
(Attached hereto.)

See Exhibit A on file in the Register's Office.

**Approved: December 10, 2002**

**ORDINANCE #65718**  
**Board Bill No. 327**

**AN ORDINANCE AFFIRMING APPROVAL OF A REDEVELOPMENT AREA AND REDEVELOPMENT PROJECT AREA NUMBER 1; ADOPTING TAX INCREMENT ALLOCATION FINANCING; ESTABLISHING THE PAUL BROWN/ARCADE SPECIAL ALLOCATION FUND; AND AUTHORIZING THE CITY COMPTROLLER TO ENTER INTO CONTRACTS TO FACILITATE REVENUE ALLOCATION AND COLLECTION.**

**WHEREAS**, the City of St. Louis, Missouri (the "City"), is a body corporate and political subdivision of the State of Missouri, duly created, organized and existing under and by virtue of its charter, the Constitution and laws of the State of Missouri; and

**WHEREAS**, the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865, as amended (the "Act"), authorizes the City to undertake redevelopment project within designated areas of the City; and

**WHEREAS**, the Board of Aldermen of the City of St. Louis, Missouri (the "City"), by Ordinance No. \_\_\_\_ passed and approved on \_\_\_\_, 2002 (the "Approving Ordinance"), has designated the Redevelopment Area as a "redevelopment area" as provided in the TIF Act, which Redevelopment Area is more particularly described in the Redevelopment Plan, and has approved a redevelopment plan entitled "Redevelopment Plan-Paul Brown/Arcade Redevelopment Area" dated August 14, 2002 (the "Redevelopment Plan"), and has approved redevelopment projects for RPA 1 identified in the Redevelopment Plan all as set forth in the Approving Ordinance and in accordance with requirements of the TIF Act; and

**WHEREAS**, the Board of Aldermen has determined that the Redevelopment Area qualifies for the use of tax increment allocation financing to alleviate the conditions that qualify it as a "redevelopment area" as provided in the TIF Act and that it is necessary and desirable and in the best interest of the City to adopt tax increment allocation financing within and to establish a special allocation fund for the Redevelopment Area.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ST. LOUIS, MISSOURI AS FOLLOWS:**

**SECTION 1.** The Board of Aldermen hereby affirms each of the findings set forth in the Approving Ordinance, the designation of the Redevelopment Area as a "redevelopment area" as defined in the TIF Act, and the approval of redevelopment projects for RPA 1, all as set forth in the Approving Ordinance. The "area selected for the redevelopment project", the "area of the redevelopment project", and similar terms and phrases used in the TIF Act, as used herein, shall be comprised of RPA 1 in its entirety, including all phases or portions of the redevelopment project which may be developed during the time the RPA 1 remains a part of the designated redevelopment area.

**SECTION 2.** Taxincrement allocation financing is hereby adopted within Redevelopment Project Area 1. After the total equalized assessed valuation of the taxable real property in the RPA 1 exceeds the certified total initial equalized assessed valuation of the taxable real property in the Redevelopment Project Area Number 1, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in the RPA 1 by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 of the TIF Act each year after the effective date of this Ordinance until redevelopment costs have been paid shall be divided as follows:

(1) That portion of taxes levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the RPA 1 selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the Collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in RPA 1 selected for the redevelopment project over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the City Treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Paul Brown/Arcade Special Allocation Fund" of the City for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived.

**SECTION 3.** In addition to the payments in lieu of taxes described in paragraph (2) of Section 2 of this Ordinance, fifty percent of the total additional revenue from taxes which are imposed by the City, or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, which tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees or special assessments and personal property taxes, other than payments in lieu of taxes, shall be allocated to, and paid by the collecting officer to the City's Treasurer, who shall deposit such funds in a separate segregated account within the Paul Brown/Arcade Special Allocation Fund.

**SECTION 4.** There is hereby created and ordered to be established within the treasury of the City a separate fund to be known as the "Paul Brown/Arcade Special Allocation Fund" for the purpose of paying redevelopment project costs and obligations incurred in the payment thereof. All moneys deposited in the Paul Brown/Arcade Special Allocation Fund shall be applied in such manner consistent with the Redevelopment Plan and Redevelopment Agreement as determined by the Board of Aldermen.

**SECTION 5.** The City Register is hereby directed to submit a certified copy of this Ordinance to the City Assessor, who is directed to determine the total equalized assessed value of all taxable real property within RPA 1 as of the date of this Ordinance, by adding together the most recently ascertained equalized assessed value of each taxable lot, block, tract or parcel of real property within RPA 1 and shall certify such amount as the total initial equalized assessed value of the taxable real property within RPA 1.

**SECTION 6.** The Comptroller of the City is hereby authorized to enter into agreements or contracts with other taxing districts as is necessary to ensure the allocation and collection of the taxes and payments in lieu of taxes described in Sections Two and Three of this Ordinance and the deposit of the said taxes or payments in lieu of taxes into the Special Allocation Fund for the payment of redevelopment project costs and obligations incurred in the payment thereof, all in accordance with the TIF Act.

**SECTION 7.** The Mayor and Comptroller of the City and all other officers, agents, representatives and employees of the City are hereby authorized to take any and all actions as may be deemed necessary, desirable, convenient or proper to carry out and comply with the intent of this Ordinance with regard to the implementation of the Redevelopment Plan with respect to RPA 1 and to execute and deliver for and on behalf of the City all certificates, instruments or other documents as may be necessary, desirable, convenient or proper to carry out the matters herein authorized.

**SECTION 8.** It is hereby declared to be the intention of the Board of Aldermen that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Aldermen intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accord with the legislative intent.

**SECTION 9.** This Ordinance shall become effective upon adoption by the Board of Aldermen and approval by the Mayor



or failure of the Mayor to so approve or disapprove within twenty (20) days after its presentation to the Mayor.

**Approved: December 10, 2002**

**ORDINANCE #65719  
Board Bill No. 328**

**AN ORDINANCE AFFIRMING ADOPTION OF A REDEVELOPMENT PLAN AND A REDEVELOPMENT PROJECT; AUTHORIZING THE CITY OF ST. LOUIS TO ENTER INTO A REDEVELOPMENT AGREEMENT WITH PAUL BROWN DEVELOPER, L.P.; PRESCRIBING THE FORM AND DETAILS OF SAID AGREEMENT; AND AUTHORIZING OTHER RELATED ACTIONS IN CONNECTION WITH THE REDEVELOPMENT OF CERTAIN PROPERTY WITHIN A REDEVELOPMENT AREA.**

**WHEREAS**, the Tax Increment Financing Commission of the City of St. Louis, Missouri (the "Commission") is duly constituted according to the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, 2000, as amended (the "Act"); and

**WHEREAS**, the Act authorizes the Commission to hold hearings with respect to proposed redevelopment areas, plans and projects and to make recommendations thereon to the Board of Aldermen; and

**WHEREAS**, staff and consultants at the direction of the Board of Aldermen have prepared a plan for redevelopment titled "Redevelopment Plan – Paul Brown/Arcade Redevelopment Area" (the "Redevelopment Plan"), dated August 14, 2002, which designates a redevelopment area located within the City of St. Louis, Missouri (the "City") that contains City Block 192, as legally described in the Redevelopment Plan (the "Paul Brown/Arcade Redevelopment Area"); and

**WHEREAS**, in the Redevelopment Plan, the Paul Brown/Arcade Redevelopment Area is divided into two sub-areas designated as "RPA 1" and RPA 2," respectively; and

**WHEREAS**, the Redevelopment Plan provides for certain redevelopment projects, including the rehabilitation and adaptive reuse of the building known as the "Paul Brown Building" that is located in RPA 1 at 816-26 Olive Street, all as more fully described in the Redevelopment Plan (the "RPA 1 Project"); and

**WHEREAS**, after proper notice, the Commission held a public hearing in conformance with the Act on October 16, 2002, and received comments from all interested persons and taxing districts affected by the Redevelopment Plan and the redevelopment projects described therein; and

**WHEREAS**, upon recommendation of the Commission, the Board of Aldermen adopted Ordinances Nos. \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ on \_\_\_\_\_, 2002, which, among other things, (1) approved the Redevelopment Plan pursuant to the Act, (2) designated the Paul Brown/Arcade Redevelopment Area with RPA 1 and RPA 2 as sub-areas located therein, (3) authorized the RPA 1 Project as set forth in the Redevelopment Plan, and (4) established a Special Allocation Fund pursuant to the Act for the payment of redevelopment project costs and obligations incurred in the payment thereof; and

**WHEREAS**, pursuant to the Act, the City is authorized to enter into a redevelopment agreement (the "Redevelopment Agreement") with Paul Brown Developer, L.P., a Missouri limited partnership (the "Developer"), setting forth the respective rights and obligations of the City and the Developer with regard to the Paul Brown Redevelopment Project in RPA 1; and

**WHEREAS**, pursuant to the Act, the City is authorized to issue TIF Obligations (as that term is defined in the Redevelopment Agreement) as evidence of the City's obligation to pay certain Redevelopment Project Costs (as that term is defined in the Redevelopment Agreement) incurred in furtherance of the Paul Brown Redevelopment Project, and to pledge certain tax increment financing revenues authorized by the Act to be used for the payment of such TIF Obligations; and

**WHEREAS**, the Board of Aldermen hereby determines that (1) approval of the Redevelopment Agreement, (2) the implementation of the Paul Brown Redevelopment Project to redevelop RPA 1 pursuant to the Redevelopment Plan and the Redevelopment Agreement, and (3) the execution of the Redevelopment Agreement are in the best interests of the City and the health, safety, morals and welfare of its residents, and in accord with the public purposes specified in the Redevelopment Plan.

**BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ST. LOUIS, MISSOURI, AS FOLLOWS:**

**SECTION ONE. Ratify and Approve Redevelopment Plan.** The Board of Aldermen hereby ratifies and confirms its approval of the Redevelopment Plan. The Board of Aldermen further finds and determines that it is necessary and desirable to enter into an agreement with the Developer in order to implement the Paul Brown Redevelopment Project to redevelop RPA 1.

**SECTION TWO. Execution of Redevelopment Agreement.** The Mayor and Comptroller are hereby authorized and directed to execute, on behalf of the City, the Redevelopment Agreement between the City and the Developer, and the Register is hereby authorized and directed to attest to the Redevelopment Agreement and to affix the seal of the City thereto. The Redevelopment Agreement shall be in substantially the form attached hereto as Exhibit A, which Redevelopment Agreement is hereby approved by the Board of Aldermen with such changes therein as shall be approved by the officers of the City executing the

same as may be consistent with the intent of this ordinance and necessary, desirable, convenient or proper in order to carry out the matters herein authorized.

**SECTION THREE.** Further Authority. The officers, agents and employees of the City are hereby authorized and directed to take such further actions and execute and deliver such other documents, certificates and instruments as may be necessary or desirable, and to take such steps as they deem necessary and advisable to carry out and comply with the terms of the Redevelopment Agreement and the intent of this Ordinance.

**SECTION FOUR.** Severability. The sections of this Ordinance shall be severable. In the event that any section of this Ordinance is found by a court of competent jurisdiction to be unconstitutional, the remaining sections of this ordinance shall remain valid and in full force and effect unless the Court finds the valid sections of this Ordinance are so essentially and inseparably connected with, and do depend upon, the void section, that it cannot be presumed that the Board of Aldermen would have enacted the valid sections without the void ones; or unless the court finds the valid sections, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

**SECTION FIVE.** Incorporation of Exhibit. The Exhibit to this Ordinance is hereby incorporated herein by this reference as if such Exhibit were duly set forth herein.

**SECTION SIX.** Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the Board of Aldermen and approval by the Mayor.

**Approved: December 10, 2002**

**ORDINANCE #65720  
Board Bill No. 329  
Committee Substitute**

**AN ORDINANCE RECOMMENDED BY THE BOARD OF ESTIMATE AND APPORTIONMENT AUTHORIZING AND DIRECTING THE ISSUANCE AND DELIVERY OF NOT TO EXCEED \$3,264,200 PRINCIPAL AMOUNT OF TAX INCREMENT REVENUE NOTES (PAUL BROWN REDEVELOPMENT PROJECT) SERIES 2002, OF THE CITY OF ST. LOUIS, MISSOURI; PRESCRIBING THE FORM AND DETAILS OF THE TIF NOTES AND THE COVENANTS AND AGREEMENTS MADE BY THE CITY TO FACILITATE AND PROTECT THE PAYMENT THEREOF; AND PRESCRIBING OTHER MATTERS RELATING THERETO.**

**WHEREAS**, the City of St. Louis, Missouri (the "City"), is a body corporate and political subdivision of the State of Missouri, duly created, organized and existing under and by virtue of its charter, the Constitution and laws of the State of Missouri; and

**WHEREAS**, the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 through 99.865, as amended (the "Act"), authorizes the City to undertake redevelopment project within designated areas of the City; and

**WHEREAS**, at the direction of the Board of Aldermen, staff and consultants have prepared a plan for redevelopment titled "Redevelopment Plan-Paul Brown/Arcade Redevelopment Area" dated August 14, 2002 (the "Redevelopment Plan"), for an area generally bounded by Olive Street on the North, 8th Street on the East, Pine Street on the South, and 9th Street on the West (the "Redevelopment Area"), which Redevelopment Area is more fully described in the Redevelopment Plan; and

**WHEREAS**, on \_\_\_\_\_, 2002 after due consideration of the TIF Commission's recommendations and after proper notice of certain amendments to the Redevelopment Plan that did not enlarge the exterior boundaries of the Redevelopment Area, did not substantially affect the general land uses established in the Redevelopment Plan or substantially change the nature of the Redevelopment Project, the Board of Aldermen adopted: (1) Ordinance No. \_\_\_\_\_ [Board Bill No. 326] which (i) designated as a "redevelopment area" a certain portion of the City (the "Redevelopment Area"), (ii) approved the Redevelopment Plan, and (iii) approved the redevelopment project for redevelopment project area number 1 identified in the Redevelopment Plan (the "RPA 1 Project"); (2) Ordinance No. \_\_\_\_\_ [Board Bill No. 327] which (i) adopted tax increment allocation financing within RPA 1, and (ii) established the Special Allocation Fund; and (3) authorized the City to enter into a Redevelopment Agreement with Developer as defined herein; and

**WHEREAS**, pursuant to the Redevelopment Plan and the Redevelopment Agreement, the City proposes to finance a portion of the costs of the Redevelopment Project by utilizing tax increment allocation financing in accordance with the Act; and

**WHEREAS**, the City desires to issue, from time to time, its Tax Increment Revenue Notes (Paul Brown Redevelopment Project) Series 2002 (the "Notes"), to provide funds for the aforesaid purpose, said Notes being payable solely from certain proceeds deposited into the Special Allocation Fund; and

**WHEREAS**, the City has determined that it is in the best interest of the City to sell the Notes from time to time at a private sale, without advertisement, to the Original Purchaser at a price equal to 100% of their face value; and

**WHEREAS**, it is hereby found and determined that it is necessary and advisable and in the best interest of the City and of its inhabitants that the Notes be issued and secured in the form and manner as hereinafter provided to carry out the Redevelopment

Project.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ST. LOUIS, MISSOURI, AS FOLLOWS:**

**ARTICLE I  
DEFINITIONS**

**SECTION 101 Definitions of Words and Terms.** In addition to the words and terms defined elsewhere in this ordinance (the “*Ordinance*”), the following capitalized words and terms, as used in this Ordinance, shall have the following meanings:

“*Act*” or “*TIF Act*” means the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 through 99.865 of the Revised Statutes of Missouri, as amended.

“*Approved Investors*” means (a) the Developer or a Related Entity, (b) an “accredited investor” under Rule 501(a) of Regulation D promulgated under the Securities Act of 1933, (c) a “qualified institutional buyer” under Rule 144A promulgated under the Securities Act of 1933, (d) any general business corporation or enterprise with total assets in excess of \$50,000,000, (e) the United States Department of Housing and Urban Development (“HUD”) or any instrumentality thereof, or the Federal Housing Administration (“FHA”), a divisional unit of HUD, or (f) the mortgagee (or its assignee) under any mortgage loan relating to the Revenue Bonds, whether FHA-insured or otherwise, so long as such mortgagee or its assignee meets the requirements of (a), (b), (c) or (d) above.

“*Approving Ordinance*” means Ordinance No. \_\_\_\_\_ [Board Bill No. 326] adopted by the City on \_\_\_\_\_, 2002, designating the Redevelopment Area, approving the Redevelopment Plan and approving the Paul Brown Redevelopment Project.

“*Authorized Denominations*” means an initial amount of \$100,000 or any integral multiple of \$5,000 in excess thereof, except with respect to the TIF Note issued upon acceptance by the City of the final Certificate of Reimbursable Redevelopment Project Costs, which TIF Note may be issued in any integral multiple of \$1,000, subject to the limitation provided in **Section 201** of this Ordinance.

“*Available Revenues*” means (a) all monies on deposit in the RPA 1 PILOTs Sub-Account of the PILOTs Account of the Special Allocation Fund; (b) all monies on deposit in the RPA 1 EATs Sub-Account of the Economic Activity Tax Account of the Special Allocation Fund that have been appropriated to the repayment of the TIF Notes, excluding (i) any amount paid under protest until the protest is withdrawn or resolved against the taxpayer or (ii) any sum received by the City which is the subject of a suit or other claim communicated to the City which suit or claim challenges the collection of such sum.

“*Bond Counsel*” means Gilmore & Bell, P.C., or an attorney at law or a firm of attorneys acceptable to the City of nationally recognized standing in matters pertaining to the tax-exempt nature of interest on obligations issued by states and their political subdivisions duly admitted to the practice of law before the highest court of any state of the United States of America or the District of Columbia.

“*Certificate of Reimbursable Redevelopment Project Costs*” means a document substantially in the form of Exhibit A to the Redevelopment Agreement provided by the Developer to the City evidencing Reimbursable Redevelopment Project Costs incurred by the Developer.

“*Certificate of Substantial Completion*” means a document substantially in the form of Exhibit B to the Redevelopment Agreement issued by the Developer to the City in accordance with the Redevelopment Agreement and evidencing the Developer’s satisfaction of all obligations and covenants to construct the Redevelopment Project in accordance with the Redevelopment Plan and the Redevelopment Agreement.

“*City*” means the City of St. Louis, Missouri, a body corporate and political subdivision duly authorized and existing under the its charter and the Constitution and laws of the State of Missouri.

“*Debt Service Fund*” means the fund by that name created in **Section 401** of this Ordinance.

“*Developer*” means Paul Brown Developer, L.P., a Missouri limited partnership, or its permitted successors or assigns in interest.

“*Economic Activity Taxes*” or “*EATs*” shall have the meaning ascribed to such term in Section 99.805 of the TIF Act.

“*EATs Account*” means the Economic Activity Tax Account within the Special Allocation Fund.

“*Finance Officer*” means the Comptroller of the City or her authorized agent.

“*Government Obligations*” means direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America.

*“Issuance Costs”* means all costs reasonably incurred by the City in furtherance of the issuance of TIF Notes, not to exceed, in the aggregate, \$25,000, including but not limited to the fees and expenses of financial advisors and consultants, the City’s attorneys (including Special TIF Counsel and Bond Counsel), the City’s administrative fees and expenses (including fees and costs of planning consultants), underwriters’ discounts and fees, if any, the costs of printing the TIF Notes and any official statements relating thereto, the costs of credit enhancement, if any, capitalized interest, debt service reserves and the fees of any rating agency rating the TIF Notes.

*“Maturity Date”* means the date that is twenty-three (23) years after the date of adoption of the Approving Ordinance.

*“Mortgage Rate”* means the rate of interest per annum borne by that certain mortgage, which secures the mortgage note evidencing the loan (whether FHA-insured or otherwise) made to the Developer in connection with the Revenue Bonds.

*“Original Purchaser”* means the Developer or a Related Entity, which Related Entity shall be designated by the Developer as the Original Purchaser.

*“Owner”* means, when used with respect to any TIF Note, the present holder of any of the TIF Notes.

*“Paul Brown Redevelopment Project”* means ^{(a) the renovation and adaptive reuse of the Property into approximately 222 apartments, which will consist of approximately 106 affordable one and two bedroom apartments that will be low income housing subject to Section 42 of the Internal Revenue Code and Section 135.350, et seq. of the Missouri Revised Statutes and approximately 116 market rate one and two bedroom apartments; (b) the construction of approximately 130 parking spaces; and (c) the renovation of approximately four street level commercial spaces.

*“Payment Date”* means, with respect to any TIF Note, each June 1 and December 1, commencing with the first June 1 or December 1 that immediately succeeds the City’s acceptance of the Certificate of Commencement of Construction as provided in the Redevelopment Agreement.

*“Payments in Lieu of Taxes”* or *“PILOTs”* shall have the meaning ascribed to such term in Section 99.805 of the TIF Act.

*“PILOTs Account”* means the PILOTs Account within the Special Allocation Fund.

*“Redevelopment Agreement”* means that certain Redevelopment Agreement dated as of \_\_\_\_\_, 200\_\_, between the City and the Developer, as may be amended from time to time.

*“Redevelopment Area”* means the area described as “Paul Brown/Arcade Redevelopment Area Boundary Description” in Exhibit C to the Redevelopment Agreement.

*“Redevelopment Plan”* means the plan titled Redevelopment Plan - Paul Brown/Arcade Redevelopment Area as approved by the City on \_\_\_\_\_, 2002, pursuant to Ordinance No. \_\_\_\_\_ [Bill Board No. 326], as such plan may from time to time be amended in accordance with the TIF Act.

*“Register”* means the books for registration, transfer and exchange of the TIF Notes kept at the office of the Finance Officer.

*“Reimbursable Redevelopment Project Costs”* means those Redevelopment Project Costs as described in Exhibit E to the Redevelopment Agreement for which the Developer is eligible for reimbursement in accordance with the Redevelopment Agreement.

*“Related Entity”* means any party or entity related to the Developer by one of the relationships described in Section 267(b) of the Internal Revenue Code of 1986, as amended.

*“Revenue Bonds”* means the revenue bonds to be issued by The Industrial Development Authority of the City of St. Louis, Missouri, or other issuer, the proceeds of which will be used to pay costs of renovating the Property.

*“RPA 1”* means that portion of the Redevelopment Area legally described on **Exhibit A**, attached hereto and incorporated herein by reference.

*“RPA 2”* means that portion of the Redevelopment Area legally described on **Exhibit D**, attached hereto and incorporated herein by reference.

*“RPA 1 EATs Sub-Account”* means the RPA 1 Sub-Account of the EATs Account of the Special Allocation Fund into which Available Revenues generated within RPA 1 are deposited from time to time.

*“RPA 1 PILOTs Sub-Account”* means the RPA 1 Sub-Account of the PILOTs Account of the Special Allocation Fund into which Available Revenues generated within RPA 1 are deposited from time to time.

*“Special Allocation Fund”* means the Paul Brown/Arcade Special Allocation Fund created by Ordinance No. \_\_\_\_\_ [Board Bill No. 327] adopted by the City on \_\_\_\_\_, 2002, and including the accounts and sub-accounts for the Paul Brown Redevelopment Project into which TIF Revenues are from time to time deposited in accordance with the TIF Act, the Redevelopment Agreement and this Ordinance, as ratified and further described in **Section 401** hereof.

“*Special TIF Counsel*” means the law firm of Armstrong Teasdale LLP, or an attorney at law or a firm of the attorneys acceptable to the City.

“*Taxable TIF Notes*” means the City’s Taxable Tax Increment Revenue Notes (the Paul Brown Redevelopment Project), Series 2002, as further described in **Article II** hereof.

“*Tax-Exempt TIF Notes*” means the City’s Tax-Exempt Tax Increment Revenue Notes (the Paul Brown Redevelopment Project), Series 2002, as further described in **Article II** hereof.

“*TIF Notes*” means the not to exceed \$3,264,200 Tax Increment Revenue Notes (the Paul Brown Redevelopment Project) Series 2002, issued by the City pursuant to and subject to this Ordinance in substantially the form set forth in **Exhibit B**, attached hereto and incorporated herein by reference.

“*TIF Revenues*” means: (1) Payments in Lieu of Taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property located within the RPA 1 over and above the initial equalized assessed value (as that term is used and described in Section 99.845.1 of the TIF Act) of each such unit of property, as paid to the City Treasurer by the City Collector of Revenue during the term of the Redevelopment Plan and the Paul Brown Redevelopment Project, and (2) fifty percent (50%) of the total additional revenues from taxes which are imposed by the City or other taxing districts (as that term is defined in Section 99.805(16) of the TIF Act) and which are generated by economic activities within RPA 1 over the amount of such taxes generated by economic activities within the Redevelopment Area in the calendar year ending December 31, 2001 (subject to annual appropriation by the City as provided in the TIF Act), as defined and described in Sections 99.805(4) and 99.845 of the TIF Act, but excluding therefrom personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees or special assessments, taxes levied pursuant to Section 70.500 of the Revised Statutes of Missouri, as amended, and taxes levied for the purpose of public transportation pursuant to Section 94.660 of the Revised Statutes of Missouri, as amended, all as provided in Section 99.845 of the TIF Act, as amended from time to time.

**SECTION 102 Rules of Construction.** For all purposes of this Ordinance, except as otherwise expressly provided or unless the context otherwise requires:

- (a) Words of masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders.
- (b) Words importing the singular number shall include the plural and vice versa and words importing person shall include firms, associations and corporations, including public bodies.
- (c) The headings and captions herein are not a part of this document.
- (d) Terms used in an accounting context and not otherwise defined shall have the meaning ascribed to them by generally accepted principles of accounting.
- (e) Whenever an item or items are listed after the word “including,” such listing is not intended to be an exhaustive listing that excludes items not listed.

## **ARTICLE II. AUTHORIZATION OF TIF NOTES**

**SECTION 201 Authorization of TIF Notes.** There are hereby authorized and directed to be issued two series of the TIF Notes in an aggregate principal amount not to exceed \$3,264,200. The TIF Notes shall be in substantially the form of Exhibit B, attached hereto and incorporated herein by reference.

### **SECTION 202 Description of TIF Notes.**

(a) *Title of TIF Notes.* There shall be issued one series of one or more Taxable TIF Notes in an aggregate principal amount not to exceed \$3,264,200 authorized hereunder and one series of one or more Tax-Exempt TIF Notes in an aggregate principal amount not to exceed \$3,264,200 less the aggregate principal amount of Taxable TIF Notes. The Taxable TIF Notes shall be designated “Taxable Tax Increment Revenue Notes (Paul Brown Redevelopment Project), Series 2002”. The Tax-Exempt TIF Notes shall be designated “Tax-Exempt Tax Increment Revenue Notes (Paul Brown Redevelopment Project), Series 2002”. The TIF Notes may have such further appropriate particular designation added to or incorporated in such title for the TIF Notes of any particular series as the City may determine.

(b) *Form of TIF Notes.* The TIF Notes shall be substantially in the form set forth in **Exhibit B**, attached hereto and incorporated herein by reference, with such appropriate variations, omissions and insertions as are permitted or required by this Ordinance, and may have endorsed thereon such legends or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto.

(c) *Terms of TIF Notes.* The TIF Notes shall mature (subject to redemption and payment prior to maturity as provided in **Article III** hereof), on the date that is twenty-three (23) years after the date of adoption of the Approving Ordinance. Each TIF Note shall bear simple interest at a fixed rate per annum at an interest rate equal to (i) the Mortgage Rate if the interest on such TIF Note, in the opinion of Bond Counsel, is not exempt from Federal income taxation (the “Taxable Note Rate”); or (ii) the

Mortgage Rate less one and one half percent (1½%) (determined as of the date of the issuance) if the interest on such TIF Note, in the opinion of Bond Counsel, is exempt from Federal income taxation. Interest shall be computed on the basis of a 360-day year of twelve 30-day months. The TIF Notes shall bear interest from their registration date or from the most recent Payment Date to which interest has been paid or duly provided for. Interest that accrues but remains unpaid on any Payment Date shall be compounded semi-annually.

(d) *Denominations.* The TIF Notes shall be issuable as fully registered TIF Notes in Authorized Denominations.

(e) *Numbering.* Unless the City directs otherwise, each series of TIF Notes shall be numbered from R-1 upward.

(f) *Dating.* The TIF Notes shall be dated as provided in **Section 207**, as evidenced by the Finance Officer's signature on **Schedule A** to each TIF Note.

(g) *Evidence of Principal Payments.* The payment of principal of the TIF Notes on each Payment Date shall be noted on the TIF Notes on **Schedule A** thereto. The TIF Notes and the original **Schedule A** thereto shall be held by the Finance Officer in trust, unless otherwise directed in writing by the Owners thereof. If the TIF Notes are held by the Finance Officer, the Finance Officer shall, on each Payment Date, send a revised copy of **Schedule A** via facsimile to the Owner. Absent manifest error, the amounts shown on **Schedule A** held by the Finance Officer shall be conclusive evidence of the principal amount paid on the TIF Notes.

(h) *Sale of TIF Notes.* When TIF Notes have been executed and authenticated as required by this Ordinance, the Finance Officer shall hold the TIF Notes in trust or, if directed in writing by the Owners thereof, deliver the TIF Notes to or upon the order of the Owners thereof, as provided in paragraph (g) above, but only upon payment to the City of a purchase price equal to one hundred percent (100%) of the face amount of the TIF Notes, which payment shall be deemed to have occurred under the circumstances described in **Section 207** of this Ordinance.

**SECTION 203 Finance Officer to Serve as Paying Agent and Registrar.** The Finance Officer is hereby designated as the paying agent for the payment of principal of and interest on the TIF Notes and the bond registrar with respect to the registration, transfer and exchange of the TIF Notes and for allocating and holding funds as provided herein.

**SECTION 204 Security for TIF Notes.** All TIF Notes shall be equally and ratably secured by Available Revenues. The TIF Notes shall be special, limited obligations of the City payable solely from and secured as to the payment of principal and interest by a pledge of the Available Revenues. The taxing power of the City is not pledged to the payment of the TIF Notes either as to principal or interest. The TIF Notes shall not be or constitute a general obligation of the City, nor shall they constitute an indebtedness of the City within the meaning of any constitutional, statutory or charter provision, limitation or restriction. **THE OBLIGATIONS OF THE CITY WITH RESPECT TO THE TIF NOTES SHALL TERMINATE ON THE FIRST TO OCCUR OF THE FULL PAYMENT AND DISCHARGE OF THE TIF NOTES OR THE MATURITY DATE (WHETHER OR NOT THE PRINCIPAL AMOUNT OR INTEREST HAS BEEN PAID IN FULL).**

**SECTION 205 Method and Place of Payment of TIF Notes.** The principal of and interest on the TIF Notes shall be payable in any coin or currency which, on the respective dates of payment thereof, is legal tender for the payment of debts due the United States of America. Payment shall be made by the Finance Officer at his/her offices on each Payment Date upon presentation of the applicable TIF Notes by a duly authorized representative of the Owner. Principal and interest shall be payable by check or draft at the office of the Finance Officer to the person in whose name such TIF Note is registered on the Register on each Payment Date.

**SECTION 206 Registration, Transfer and Assignment.** So long as the TIF Notes remain outstanding, the City shall cause to be kept at the office of the Finance Officer books for the registration, transfer and exchange of the TIF Notes as herein provided. The TIF Notes when issued shall be registered in the name of the Original Purchaser thereof on the Register.

The TIF Notes and beneficial interest therein may only be purchased by or transferred or assigned to an Approved Investor upon the execution by each proposed purchaser, transferee or assignee of a letter in substantially the form of **Exhibit C**, attached hereto and incorporated herein by reference, stating that such purchaser, transferee or assignee (i) is an Approved Investor and (ii) has sufficient knowledge and experience in business and financial matters in general, and investments such as the TIF Notes in particular, to enable the purchaser, transferee or assignee to evaluate the risks involved in an investment in the TIF Notes; *provided, however*, that no bond trustee in connection with the Revenue Bonds and no governmental department, unit or agency specifically named as an Approved Investor in **Section 101** of this Note Ordinance, nor any instrumentality of such governmental department, unit or agency, shall be required to execute the investment letter set forth in **Exhibit C**, attached hereto. The TIF Notes may be transferred and exchanged only upon the records of the City.

Upon surrender of a TIF Note to the Finance Officer, the Finance Officer shall transfer or exchange the TIF Notes for a new TIF Note or TIF Notes, which shall be (i) in minimum denominations or multiples of Five Thousand Dollars (\$5,000), except with respect to the TIF Notes issued upon acceptance by the City of the final Certificate of Reimbursable Redevelopment Project Costs, which TIF Notes may be issued in any denomination, subject to the limitation on the aggregate principal amount, and (ii) of the same Maturity Date and in the same aggregate principal amount outstanding as the TIF Note which was presented for transfer or exchange. The TIF Notes presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Finance Officer, duly executed by the Owner thereof or by the Owner's duly authorized agent. Upon any transfer, exchange or assignment as provided in this Section, the transferor shall reimburse the City for all of the reasonable out-of-pocket costs incurred by the City in connection with

the administration of such transfer, exchange or assignment.

Notwithstanding anything herein to the contrary, the City hereby approves, and no prior consent shall be required in connection with (i) the right of the Developer to pledge its interest in any TIF Note or any portion thereof to secure any mortgage loan in connection with the Revenue Bonds, or any other loans, advances or extensions of credit to finance or from time to time refinance all or any part of the Paul Brown Redevelopment Project Costs, or (ii) the right of the holder of any such pledge, or transferee of any such pledge (or trustee or agent on its behalf) to transfer such interest due to foreclosure or transfer in lieu of foreclosure of the Property.

**SECTION 207 Execution, Authentication and Delivery of the TIF Notes.** Each of the TIF Notes, including any TIF Notes issued in exchange or as substitution for the TIF Notes initially delivered, shall be signed by the manual or facsimile signature of the Mayor, the Comptroller and the Treasurer of the City, attested by the manual or facsimile signature of the Register of the City, and shall have the official seal of the City affixed thereto or imprinted thereon. If any officer whose signature appears on any TIF Note ceases to be such officer before the delivery of such TIF Note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such person had remained in office until delivery. Any TIF Note may be signed by such persons who at the actual time of the execution of such TIF Note are the proper officers to sign such TIF Note although at the date of such TIF Note such persons may not have been such officers.

The Mayor, Comptroller, Treasurer and Register of the City are hereby authorized and directed to prepare and execute the TIF Notes as hereinbefore specified, and when duly executed, to deliver the TIF Notes to the Finance Officer for authentication.

The TIF Notes shall have endorsed thereon a certificate of authentication substantially in the form set forth in **Schedule A of Exhibit B** hereto, which shall be manually executed by an authorized signatory of the Finance Officer, but it shall not be necessary that the same signatory sign the certificate of authentication on all of the TIF Notes that may be issued hereunder at any one time. No TIF Note shall be entitled to any security or benefit under this Ordinance or be valid or obligatory for any purpose until the certificate of authentication has been duly executed by the Finance Officer. Such executed certificate of authentication upon any TIF Note shall be conclusive evidence that such TIF Note has been duly authenticated and delivered under this Ordinance.

The TIF Notes shall be initially executed and authenticated by the City upon acceptance of the following (i) a Certificate of Substantial Completion; (ii) a Certificate of Reimbursable Redevelopment Project Costs evidencing that the Developer has incurred Reimbursable Redevelopment Project Costs; and (iii) documentation establishing the cost of funds borrowed by Developer from a third party to advance all Redevelopment Project Costs necessary to complete the RPA 1 Project and the Work as set forth in the Redevelopment Agreement or to purchase such TIF Notes; (iv) an opinion of Bond Counsel regarding the taxable or tax-exempt nature of such TIF Notes; and (v) payment of the City's Issuance Costs in connection with the TIF Notes.

Upon the Developer's satisfaction of the foregoing conditions and upon approval of each Certificate of Reimbursable Redevelopment Project Costs, the Finance Officer shall either: (i) at the request of the City upon instructions of the Developer endorse an outstanding TIF Note on **Schedule A** thereto to evidence an increase in the aggregate principal amount equal to such Reimbursable Redevelopment Project Costs, or (ii) at the request of the City upon instructions of the Developer issue a new TIF Note in a principal amount equal to such Reimbursable Redevelopment Project Costs, or any combination thereof. Each date of endorsement of each such TIF Note shall be the date of acceptance by the City of each Certificate of Reimbursable Redevelopment Project Costs. Thereupon, pursuant to **Section 202(h)**, the TIF Notes shall either be held or delivered to or upon the order of the party submitting the Certificate of Reimbursable Redevelopment Project Costs relating to such Notes.

Upon acceptance by the City of such a Certificate of Reimbursable Redevelopment Project Costs in accordance with the Redevelopment Agreement and upon execution and authentication of the TIF Notes as required by this Ordinance, the Developer shall be deemed to have advanced funds to the City in an amount equal to the purchase price of the TIF Notes, which shall be 100% of the face amount of the TIF Notes, and, upon the issuance of an endorsement of the TIF Notes as provided in the preceding paragraph, the City shall be deemed to have reimbursed the Developer in full for such Reimbursable Redevelopment Project Costs.

**SECTION 208 Mutilated, Lost and Stolen TIF Notes.** If any mutilated TIF Note is surrendered to the Finance Officer or the Finance Officer receives evidence to his/her satisfaction of the destruction, loss or theft of any TIF Note and there is delivered to the Finance Officer such security or indemnity as may be required by it to save the City and the Finance Officer harmless, then, in the absence of notice to the Finance Officer that such TIF Note has been acquired by a bona fide purchaser, the City shall execute and the Finance Officer shall register and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen TIF Note, a new TIF Note with the same Maturity Date and of like tenor and principal amount. Upon the issuance of any new TIF Note under this Section, the City and the Finance Officer may require the payment by the Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses connected therewith. If any such mutilated, destroyed, lost or stolen TIF Note has become or is about to become due and payable, the Finance Officer may, in its discretion, pay such TIF Note instead of issuing a new TIF Note.

**SECTION 209 Cancellation, Discharge and Abatement of TIF Notes.** All TIF Notes that have been paid or redeemed or that otherwise have been surrendered to the Finance Officer, either at or before the Maturity Date, shall be canceled and destroyed by the Finance Officer in accordance with existing security regulations upon the payment or redemption of such TIF Note and the surrender thereof to the Finance Officer. The Finance Officer shall execute a certificate in duplicate describing the TIF Notes so canceled and destroyed, and shall file an executed counterpart of such certificate with the City.

**NOTWITHSTANDING ANY PROVISION IN THIS ORDINANCE OR IN THE TIF NOTES TO THE CONTRARY, THE TIF NOTES MAY BE SUBJECT TO CANCELLATION AND DISCHARGE BY THE CITY IN WHOLE**

**WITHOUT PENALTY UNDER THE CONDITIONS SET FORTH IN SECTIONS 7.1 AND 7.2 OF THE REDEVELOPMENT AGREEMENT.**

**ARTICLE III  
REDEMPTION AND PAYMENT OF PRINCIPAL AND INTEREST**

**SECTION 301 Optional Redemption.** The TIF Notes are subject to optional redemption by the City in whole at any time or in part on any Payment Date at a redemption price of 100% of the principal amount of the TIF Note to be redeemed, plus accrued interest thereon to the date fixed for redemption. The TIF Notes shall be called by the City for optional redemption pursuant to this Section without the necessity of any action by the City other than as provided in **Section 403** of this Ordinance. If only a partial redemption is to occur, then each TIF Note shall be redeemed in the order of maturity designated by the City, and within any maturity the TIF Notes shall be redeemed in Authorized Denominations by the City in such manner as it may determine. In the event of an optional redemption of the Notes, unless waived by any Registered Owner of Notes to be redeemed, official notice of any redemption shall be given by the Finance Officer on behalf of the City by mailing a copy of an official redemption notice by first class mail, postage prepaid, at least thirty (30) days (five (5) days if all of the Notes are owned by the Developer) and not more than sixty (60) days prior to the date fixed for redemption, to each Registered Owner of the Notes to be redeemed at the address shown on the Note Register.

All official notices of optional redemption shall be dated and shall contain the following information: (a) the redemption date; (b) the redemption price; (c) if less than all outstanding Notes are to be redeemed, the identification number and maturity date(s) (and, in the case of partial redemption of any Notes, the respective principal amounts) of the Notes to be redeemed; (d) a statement that on the redemption date the redemption price will become due and payable upon each Note or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the redemption date; and (e) the place where such Notes are to be surrendered for payment of the redemption price, which shall be the office of the Finance Officer. The failure of any Registered Owner to receive notice given as heretofore provided or an immaterial defect therein shall not invalidate any redemption.

**SECTION 302 Special Mandatory Redemption.** The TIF Notes are subject to special mandatory redemption by the City on each Payment Date, at a redemption price equal to 100% of the principal amount being redeemed, together with accrued interest thereon to the date fixed for redemption, which amount of principal being redeemed shall be an amount equal to Available Revenues then on deposit in the applicable account of the Special Allocation Fund and which will not be required for the payment of interest on such Payment Date.

**SECTION 303 Notice and Effect of Call for Redemption.** In the event of any optional or special mandatory redemption of the Notes, unless waived by any Registered Owner of Notes to be redeemed, official notice of any redemption shall be given by the Finance Officer on behalf of the City by mailing a copy of an official redemption notice by first class mail to each Registered Owner of the Notes to be redeemed at the address shown on the Note Register.

All official notices of redemption shall be dated and shall contain the following information:

- (a) the redemption date;
- (b) the redemption price;
- (c) if less than all Outstanding Notes are to be redeemed, the identification (and, in the case of partial redemption of any Notes, the respective principal amounts) of the Notes to be redeemed;
- (d) a statement that on the redemption date the redemption price will become due and payable upon each Note or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the redemption date; and
- (e) the place where such Notes are to be surrendered for payment of the redemption price, which shall be the office of the Finance Officer.

The failure of any Registered Owner to receive notice given as heretofore provided or an immaterial defect therein shall not invalidate any redemption. All Notes that have been redeemed shall be cancelled and destroyed by the Finance Officer as provided herein and shall not be reissued.

**ARTICLE IV.  
FUNDS AND REVENUES**

**SECTION 401 Creation of Funds and Accounts.** There are hereby created or ratified and ordered to be established in the treasury of the City the Special Allocation Fund and within it the following separate funds and accounts:

- (a) a Revenue Fund and, within it, (i) a PILOTs Account and within the PILOTs Account an RPA 1 PILOTs Sub-Account, and (ii) an EATs Account and within the EATs Account an RPA 1 EATs Sub-Account, into which all TIF Revenues shall be deposited;
- (b) a Debt Service Fund; and



- (c) a Project Fund.

**SECTION 402 Administration of Funds and Accounts.** The Special Allocation Fund and the funds and accounts established therein shall be maintained in the treasury of the City and administered by the City solely for the purposes and in the manner as provided in the Act, this Ordinance and the Approving Ordinances so long as any TIF Notes remain outstanding hereunder. Revenue Fund.

(a) On or before the date that is five (5) days prior to each Payment Date while the TIF Notes remain outstanding, the City shall transfer all Available Revenues to the Finance Officer for deposit into the Revenue Fund.

(b) Moneys in the Revenue Fund shall be disbursed by the Finance Officer on each Payment Date, first from the RPA 1 EATs Sub-Account of the EATs Account and then from the RPA 1 PILOTs Sub-Account of the PILOTs Account, for the purposes and in the amounts as follows:

*First*, to the Comptroller of the City and the St. Louis Development Corporation, an amount sufficient to pay all or any portion of the fees and expenses incurred by the Comptroller of the City and the St. Louis Development Corporation but not to exceed the lesser of Ten Thousand Four Hundred Eighty Eight Dollars (\$12,800.00) or 0.4% of the Notes outstanding on January 1 of each calendar year, plus any accumulated deficiency from previous years, unless the City has incurred costs pursuant to Section 7.15 of the Redevelopment Agreement that have not otherwise been reimbursed to the City through the issuance of TIF Notes purchased by the Developer;

*Second*, to the Debt Service Fund, an amount sufficient to pay all or any portion of past due interest owing as a result of prior deficiencies of moneys to pay interest due any TIF Notes on each Payment Date;

*Third*, to the Debt Service Fund, an amount sufficient to pay all or any portion of the scheduled interest becoming due and payable on any TIF Notes on such Payment Date;

*Fourth*, to the Debt Service Fund, an amount sufficient to pay the principal of any TIF Notes that are subject to redemption pursuant to **Section 302** of this Ordinance;

*Fifth*, to the City all other remaining money to be declared as surplus and distributed in the manner provided in the Act, subject to **Section 403(c)** of this Ordinance.

(c) Upon the payment in full of the principal of and interest on all TIF Notes (or provision has been made for the payment thereof as specified in this Ordinance), payment in full of the fees and expenses of the Comptroller and the St. Louis Development Corporation, and payment in full of any other amounts required to be paid under this Ordinance, all amounts remaining on deposit in the Revenue Fund shall be declared as surplus and distributed in the manner provided in the Act; provided, however, that if the City has (i) approved the projects in RPA 2, (ii) established RPA 2 sub-accounts of the Special Allocation Fund, (iii) designated a developer for projects in RPA 2 and (iv) received a fully executed redevelopment agreement pertaining to the projects in RPA 2, all amounts remaining on deposit in the Revenue Fund shall not be declared surplus and may be distributed in accordance with such redevelopment agreement and the Redevelopment Plan.

**SECTION 404 Debt Service Fund.**

(a) All amounts paid and credited to the Debt Service Fund shall be expended solely for (i) the payment of the principal of and interest on the TIF Notes as the same mature and become due or upon the redemption thereof, or (ii) to purchase Notes for cancellation prior to maturity.

(b) The City hereby authorizes and directs the Finance Officer to withdraw sufficient moneys from the Debt Service Fund to pay the principal of and interest on the TIF Notes as the same become due and payable and to make said moneys so withdrawn available for the purpose of paying said principal of and interest on the TIF Notes.

(c) After payment in full of the principal of and interest on the TIF Notes (or provision has been made for the payment thereof as specified in this Ordinance), payment of the fees and expenses of the Finance Officer, and payment of any other amounts required to be paid under this Ordinance, all amounts remaining in the Debt Service Fund shall be declared as surplus and distributed in the manner provided in the Act; *provided, however*, that if the City has (i) approved the projects in RPA 2, (ii) established RPA 2 EATs and PILOTs sub-accounts of the Special Allocation Fund, (iii) designated a developer for projects in RPA 2 and (iv) received a fully executed redevelopment agreement pertaining to the projects in RPA 2, all amounts remaining on deposit in the Revenue Fund shall not be declared surplus and may be distributed in accordance with the Redevelopment Plan.

**SECTION 405 Project Fund.** Upon the acceptance by the City of a Certificate of Reimbursable Redevelopment Project Costs and the issuance or endorsement of a TIF Note pursuant to Section 207 of this Ordinance, the Developer shall be deemed to have advanced funds necessary to purchase such TIF Note and the City shall be deemed to have deposited such funds in the Project Fund and shall be deemed to have reimbursed the Developer in full for such costs from the amounts deemed to be on deposit in the Project Fund.

**SECTION 406 Nonpresentment of Notes.** If any TIF Note is not presented for payment when the principal thereof becomes due at stated maturity or prior redemption date, if funds sufficient to pay such TIF Note have been made available to the Finance Officer, all liability of the City to the Registered Owner thereof for the payment of such TIF Note shall forthwith cease,

determine and be completely discharged, and thereupon it shall be the duty of the Finance Officer to hold such funds, without liability for interest thereon, for the benefit of the Registered Owner of such TIF Note, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Ordinance or on, or with respect to, said TIF Note. If any TIF Note is not presented for payment within four (4) years following the date when such TIF Note becomes due at maturity, the Finance Officer shall repay to the City the funds theretofore held by it for payment of such TIF Note, and such TIF Note shall, subject to the defense of any applicable statute of limitation, thereafter be an unsecured obligation of the City, and the Registered Owner thereof shall be entitled to look only to the City for payment, and then only to the extent of the amount so repaid to it by the Finance Officer, and the City shall not be liable for any interest thereon and shall not be regarded as a Finance Officer of such money.

#### **ARTICLE V. REMEDIES**

**SECTION 501 Remedies.** The provisions of this Ordinance, including the covenants and agreements herein contained, shall constitute a contract between the City and the Owner. The Owner shall have the right:

(a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of the Owner against the City and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of this Ordinance or by the constitution and laws of the State of Missouri;

(b) by suit, action or other proceedings in equity or at law to require the City, its officers, agents and employees to account as if they were the trustees of an express trust; and

(c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Owner.

**SECTION 502 Limitation on Rights of Owner.** The Owner secured hereby shall not have any right in any manner whatever by its action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided.

**SECTION 503 Remedies Cumulative.** No remedy conferred herein upon the Owner is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the Owner shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of the Owner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the Owner by this Ordinance may be enforced and exercised from time to time and as often as may be deemed expedient. If any suit, action or proceedings taken by the Owner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or has been determined adversely to the Owner, then, and in every such case, the City and the Owner shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Owner shall continue as if no such suit, action or other proceedings had been brought or taken.

#### **ARTICLE VI. DEPOSIT AND INVESTMENT OF MONEYS**

**SECTION 601 Deposits of Moneys.** All moneys deposited with or paid to the Finance Officer for the account of the various funds established under this Ordinance shall be held by the Finance Officer in trust and shall be applied only in accordance with this Ordinance. The Finance Officer shall not be under any liability for interest on any moneys received hereunder except as otherwise provided herein

**SECTION 602 Investment of Moneys.** Moneys held in any fund or account referred to in this Ordinance shall be invested by the City in Government Obligations or in time or demand deposits or in certificates of deposit issued by any bank having combined capital, surplus and undivided profits of at least Fifty Million Dollars (\$50,000,000) but only to the extent such time or demand deposits or certificates of deposit are fully insured by the Federal Deposit Insurance Corporation; provided, however, that no such investment shall be made for a period extending longer than the date when the moneys invested may be needed for the purpose for which such fund was created. All earnings on any investments held in any fund shall accrue to and become a part of such fund or account.

#### **ARTICLE VII. MISCELLANEOUS PROVISIONS**

**SECTION 701 Covenant to Request Appropriations.** The City agrees that the officer of the City at any time charged with the responsibility of formulating budget proposals will be directed to include in the budget proposal submitted to the Board of Aldermen for each fiscal year that the TIF Notes are outstanding a request for an appropriation of all moneys on deposit in the RPA 1 EATs Sub-Account of the EATs Account of the Special Allocation Fund for transfer to the Finance Officer for deposit at the times and in the manner provided in Section 403 of this Ordinance.

**SECTION 702 Pledge of Available Revenues.** The TIF Notes and the interest thereon shall be special, limited obligations of the City payable solely from and secured as to the payment of principal and interest, by the Available Revenues and other moneys pledged thereto and held by the Finance Officer as provided herein.

**SECTION 703 Collection of Payments in Lieu of Taxes and Economic Activity Taxes.** The City shall (a) take all lawful action within its control to cause the City Assessor to assess the real property and improvements within RPA 1 at the times and in the manner required by the Act, and (b) take such action as may be required to cause the City Collector and all other persons to pay all Economic Activity Taxes which are due to the City under the Act.

**SECTION 704 Tax Matters.** Neither the City nor the Developer shall use or permit the use of any proceeds of the Tax Exempt TIF Note to acquire any securities or obligations, and shall not take or permit to be taken any other action or actions, which would cause the Tax Exempt TIF Note to be an "arbitrage bond" within the meaning of Section 148(a) of the Code, or "federally guaranteed" within the meaning of Section 149(b) of the Code. The City (to the extent within its power or discretion) and the Developer shall not use or permit the use of any proceeds of the Tax Exempt TIF Note, and shall not take or permit to be taken any other action or actions, which would result in the Tax Exempt TIF Note being treated as other than an obligation described in Section 103(a) of the Code. The City (to the extent within its power or discretion) and the Developer shall not use any portion of the proceeds of the Tax Exempt TIF Note, including any investment income earned on such proceeds, in any manner that would cause the Tax Exempt TIF Note to be a "private activity bond" within the meaning of Section 141(a) of the Code. The officers of the City, including the Mayor, the Comptroller, the Treasurer, the Register and the Finance Officer, shall be, and they hereby are, authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Section.

**SECTION 705 Payments Due on Saturdays, Sundays and Holidays.** In any case where the Payment Date is a Saturday, a Sunday or a legal holiday or other day that is not a business day, then payment of principal or interest need not be made on such date but may be made on the next succeeding business day with the same force and effect as if made on the Payment Date, and no interest shall accrue for the period after such date.

**SECTION 706 Notices, Consents and Other Instruments.** Any notice, consent, request, direction, approval, objection or other instrument required by this Ordinance to be signed and executed by the Owner of the TIF Notes may be in any number of concurrent writings of similar tenor and may be signed or executed by such Owner in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of the TIF Note, if made in the following manner, shall be sufficient for any of the purposes of the Ordinance, and shall be conclusive in favor of the City with regard to any action taken, suffered or omitted under any such instrument, namely:

(a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to take acknowledgments within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution.

(b) The fact of ownership of the TIF Note, the amount or amounts and other identification of the TIF Note, and the date of holding the same shall be proved by the registration books of the City.

**SECTION 707 Execution of Documents; Further Authority.** The City is hereby authorized to enter into and the Mayor, the Comptroller and the Treasurer of the City are hereby authorized and directed to execute and deliver, for and on behalf of and as the act and deed of the City, the TIF Notes and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance. The officers of the City, including without limitation the Mayor, the Comptroller, the Treasurer and the Register, are hereby authorized and directed to execute, and the City Register is hereby authorized and directed where appropriate to attest, all certificates, documents or other instruments, and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instrument and other documents herein approved, authorized and confirmed which they determine to be in the City's best interest, and the execution or taking of such action shall be conclusive evidence of such determination.

**SECTION 708 Severability.** If any section or other part of this Ordinance, whether large or small, is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Ordinance.

**SECTION 709 Governing Law.** This Ordinance shall be governed exclusively by and constructed in accordance with the applicable internal laws of the State of Missouri.

**SECTION 710 Private Sale.** The City Council of the City hereby declares that it is in the City's best interest to sell the TIF Notes at private sale because a public sale of the TIF Notes would cause additional expense to the City and because the condition of the current financial markets makes such a public sale not feasible or the best course of action for the City.

**SECTION 711 Repeal of Conflicting Ordinances.** All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 712 Effective Date.** This Ordinance shall become effective upon adoption by the Board of Aldermen and approval by the Mayor or failure of the Mayor to so approve or disapprove within twenty (20) days after its presentation to the Mayor.

**EXHIBIT A**  
**Legal Description of RPA 1**

**(Paul Brown Boundary Description)**

A tract being part of Olive, Ninth and Pine Streets and part of City Block 192; being more particularly described as follows: beginning at the intersection of the center line of Olive Street, 60 feet wide, with the northern extension of the western line of Ninth Street, 60 feet wide, thence south along said western line of Ninth Street a distance of 323.33 feet to the intersection of the western line of Ninth Street with the southern line of Pine Street, 60 feet wide, said point being the northeastern corner of City Block 275; thence east along the southern line of Pine Street a distance of 168.10 feet; thence north and parallel with Ninth Street a distance of 176.76 feet to a point; thence east and parallel with Olive Street a distance of 19.53 feet; thence north and parallel with Ninth Street a distance of 146.76 feet to the center line of Olive Street; thence west along the center line of Olive Street 187.63 feet to the point of beginning.

**EXHIBIT B**  
**Form of Note**

***THIS TIF NOTE OR ANY PORTION HEREOF MAY BE TRANSFERRED, ASSIGNED OR NEGOTIATED ONLY TO "APPROVED INVESTORS," AS DEFINED HEREIN, AND IN ACCORDANCE WITH THE PROVISIONS HEREOF.***

**UNITED STATES OF AMERICA**  
**STATE OF MISSOURI**

**Registered**  
**No. R-\_\_**

**Registered**  
**Not to Exceed \$3,264,200**  
(See Schedule A attached)

**CITY OF ST. LOUIS, MISSOURI**

**[TAXABLE][TAX-EXEMPT] TAX INCREMENT REVENUE NOTE**  
**(Paul Brown Redevelopment Project)**  
**SERIES 2002**

Rate of Interest: [___%][___%]	Maturity Date: _____, 2025	Dated Date: _____, 200__	CUSIP Number: None
-----------------------------------	-------------------------------	-----------------------------	-----------------------

REGISTERED OWNER:

PRINCIPAL AMOUNT: See **SCHEDULE A** attached hereto.

The **CITY OF ST. LOUIS, MISSOURI**, a body corporate and a political subdivision duly organized and validly existing under its charter and the Constitution and laws of the State of Missouri (the "City"), for value received, hereby promises to pay to the Registered Owner shown above, or registered assigns, the Principal Amount shown from time to time on **Schedule A** attached hereto on the Maturity Date shown above unless called for redemption prior to the Maturity Date, and to pay interest thereon from the effective date of registration shown from time to time on **Schedule A** attached hereto or from the most recent Payment Date to which interest has been paid or duly provided for, at the Rate of Interest shown above computed on the basis of a 360-day year of twelve 30-day months. Interest and principal shall be payable each June 1 and December 1 (each, a "Payment Date"), commencing on the first June 1 or December 1 following the acceptance of the Certificate of Commencement of Construction in accordance with the Redevelopment Agreement between the City and Paul Brown Developer, L.P. (the "Developer"), dated as of \_\_\_\_\_, 200\_\_ (the "Redevelopment Agreement"), until the TIF Notes are paid in full. The TIF Notes shall bear interest from their registration date or from the most recent Payment Date to which interest has been paid or duly provided for. Interest that accrues but remains unpaid on any Payment Date shall be compounded semi-annually.

Except as otherwise provided herein, the capitalized terms herein shall have the meanings as provided in Ordinance No. \_\_\_\_\_ [Board Bill \_\_\_] adopted by the Board of Aldermen on \_\_\_\_\_, 2002 (the "Note Ordinance") or the Redevelopment Agreement.

**THE OBLIGATIONS OF THE CITY WITH RESPECT TO THIS TIF NOTE TERMINATE ON \_\_\_\_\_, 2025, WHETHER OR NOT THE PRINCIPAL AMOUNT OR INTEREST HEREON HAS BEEN PAID IN FULL. REFERENCE IS MADE TO THE NOTE ORDINANCE FOR A COMPLETE DESCRIPTION OF THE CITY'S OBLIGATIONS HEREUNDER.**

Subject to the preceding paragraph, the principal of and interest on this TIF Note shall be paid at maturity or upon earlier redemption as provided in **Article III** of the Note Ordinance to the person in whose name this TIF Note is registered at the maturity or redemption date hereof, upon presentation and surrender of this TIF Note at the payment office of the Comptroller of the City or her authorized agent (the "Finance Officer"). The principal of and interest on the TIF Notes shall be payable in any coin or currency of the United States of America which, at the respective dates of payment thereof, is legal tender for the payment of debts due the United States of America. The principal of or interest on this TIF Note shall be payable by check or draft at the office of the Finance Officer to the person in whose name this TIF Note is registered on the Register on each Payment Date. Except as otherwise provided in **Section 208** of the Note Ordinance with respect to mutilated, destroyed, lost or stolen TIF Notes, no principal on the TIF Notes is payable unless the Owner thereof has surrendered such TIF Notes at the office of the Finance Officer.

This TIF Note is one of an authorized series of fully registered Notes of the City designated "City of St. Louis, Missouri, [Taxable][Tax-Exempt] Tax Increment Revenue Notes (Paul Brown Redevelopment Project) Series 2002," issued in an aggregate principal amount of not to exceed \$3,264,200 (the "Notes"). The TIF Notes are being issued for the purpose of paying a portion of the Redevelopment Project Costs in connection with the Redevelopment Plan, under the authority of and in full compliance with the Constitution and laws of the State of Missouri, including particularly the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865, of the Revised Statutes of Missouri, as amended (the "Act"), and pursuant to the Note Ordinance.

The TIF Notes and the interest thereon shall be special, limited obligations of the City payable solely from and secured as to the payment of principal and interest, by the Available Revenues and other moneys pledged thereto and held by the Finance Officer as provided herein. "Available Revenues" means (a) all monies on deposit in the RPA 1 PILOTs Sub-Account of the PILOTs Account of the Special Allocation Fund; and (b) all monies on deposit in the RPA 1 EATs Sub-Account of the Economic Activity Tax Account of the Special Allocation Fund that have been appropriated to the repayment of the TIF Notes, excluding (i) any amount paid under protest until the protest is withdrawn or resolved against the taxpayer or (ii) any sum received by the City which is the subject of a suit or other claim communicated to the City which suit or claim challenges the collection of such sum.

The monies on deposit in the RPA 1 PILOTs Sub-Account of the PILOTs Account of the Special Allocation Fund are those payments in lieu of taxes (as defined in Sections 99.805(10) and 99.845 of the Act) attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract or parcel of real property in RPA 1 (as described in Exhibit A to the Note Ordinance) over and above the initial equalized assessed valuation (as provided for by Section 99.855 of the Act) of each taxable lot, block, tract or parcel of real property in RPA 1, as paid to the City's Treasurer by the City's Collector of Revenue during the term of the Redevelopment Plan and the Redevelopment Project.

The monies on deposit in the RPA 1 EATs Sub-Account of the EATs Account of the Special Allocation Fund are those amounts equal to fifty percent (50%) of the total additional revenues from taxes which are imposed by the City or any other taxing district (as that term is defined in Section 99.805(16) of the Act) and which are generated by economic activities within RPA 1 over the amount of such taxes generated by economic activities within RPA 1 in the calendar year ending December 31, 2001 (subject to annual appropriation by the City as provided in the Act), during the term of the Redevelopment Plan and Redevelopment Project, but excluding therefrom personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees or special assessments, other than payments in lieu of taxes, taxes levied pursuant to Section 70.500 of the Revised Statutes of Missouri, as amended, and taxes levied for the purpose of public transportation pursuant to Section 94.660 of the Revised Statutes of Missouri, as amended, all in accordance with Section 99.845.3 of the Act, as may be amended from time to time.

All TIF Notes shall be equally and ratably secured by Available Revenues. The TIF Notes shall be special, limited obligations of the City payable solely from and secured as to the payment of principal and interest by a pledge of the Available Revenues. The taxing power of the City is not pledged to the payment of the TIF Notes either as to principal or interest. The TIF Notes shall not be or constitute a general obligation of the City, nor shall they constitute an indebtedness of the City within the meaning of any constitutional, statutory or charter provision, limitation or restriction. **THE OBLIGATIONS OF THE CITY WITH RESPECT TO THE TIF NOTES SHALL TERMINATE ON THE FIRST TO OCCUR OF THE FULL PAYMENT AND DISCHARGE OF THE TIF NOTES OR THE MATURITY DATE (WHETHER OR NOT THE PRINCIPAL AMOUNT OR INTEREST HAS BEEN PAID IN FULL).**

Available Revenues shall be applied, first from the RPA 1 EATs Sub-Account and then from the RPA 1 PILOTs Sub-Account, to payments on this TIF Note as follows:

*First*, to the Comptroller of the City and the St. Louis Development Corporation, an amount sufficient to pay all or any portion of the fees and expenses incurred by the Comptroller of the City and the St. Louis Development Corporation but not to exceed the lesser of Ten Thousand Four Hundred Eighty Eight Dollars (\$12,800.00) or 0.4% of the Notes outstanding on January 1 of each calendar year, plus any accumulated deficiency from previous years, unless the City has incurred costs pursuant to Section 7.15 of the Redevelopment Agreement that have not otherwise been reimbursed to the City through the issuance of TIF Notes purchased by the Developer;

*Second*, to the Debt Service Fund, an amount sufficient to pay all or any portion of past due interest owing as a result of prior deficiencies of moneys to pay interest due any TIF Notes on each Payment Date;

*Third*, to the Debt Service Fund, an amount sufficient to pay all or any portion of the scheduled interest becoming due and payable on any TIF Notes on such Payment Date;

*Fourth*, to the Debt Service Fund, an amount sufficient to pay the principal of any TIF Notes that are subject to redemption pursuant to **Section 302** of this Ordinance;

*Fifth*, to the City all other remaining money to be declared as surplus and distributed in the manner provided in the Act, subject to the provisions set forth herein.

Upon the payment in full of the principal of and interest on the TIF Notes (or provision has been made for the payment thereof as specified in the Note Ordinance), payment in full of the fees and expenses of the Comptroller and the St. Louis Development Corporation, and payment in full of any other amounts required to be paid under the Note Ordinance, all amounts remaining on deposit in the Revenue Fund and the Debt Service Fund shall be declared as surplus and distributed in the manner provided in the Act; *provided, however*, that if the City has (i) approved the projects in RPA 2, (ii) established RPA 2 sub-accounts

of the Special Allocation Fund, (iii) designated a developer for projects in RPA 2 and (iv) received a fully executed redevelopment agreement pertaining to the projects in RPA 2, all amounts remaining on deposit in the Revenue Fund shall not be declared surplus and may be distributed in accordance with such redevelopment agreement and the Redevelopment Plan.

The City covenants that the officer of the City at any time charged with the responsibility of formulating budget proposals will be directed to include in the budget proposal submitted to the Board of Aldermen of the City for each fiscal year that the TIF Notes are outstanding a request for an appropriation of all moneys on deposit in the RPA 1 EATs Sub-Account of the EATs Account of the Special Allocation Fund for transfer to the Finance Officer for deposit at the times and in the manner provided in **Section 403** of the Note Ordinance.

**NOTWITHSTANDING ANY PROVISION IN THE NOTE ORDINANCE OR IN THE TIF NOTES TO THE CONTRARY, THE TIF NOTES MAY BE SUBJECT TO CANCELLATION AND DISCHARGE BY THE CITY IN WHOLE WITHOUT PENALTY UNDER THE CONDITIONS SET FORTH IN SECTIONS 7.1 and 7.2 OF THE REDEVELOPMENT AGREEMENT.**

The TIF Notes are subject to optional redemption by the City in whole at any time or in part on any Payment Date at a redemption price of 100% of the principal amount of the TIF Note to be redeemed, plus accrued interest thereon to the date fixed for redemption.

The TIF Notes are subject to special mandatory redemption by the City on each Payment Date, at a redemption price equal to 100% of the principal amount being redeemed, together with accrued interest thereon to the date fixed for redemption, in an amount equal to Available Revenues on deposit in the applicable account of the Special Allocation Fund and which will not be required for the payment of interest on such Payment Date.

The TIF Notes or portions of Notes to be redeemed shall become due and payable on the redemption date, at the redemption price therein specified, and from and after the redemption date (unless the City defaults in the payment of the redemption price) such TIF Notes or portion of TIF Notes shall cease to bear interest. Upon surrender of such TIF Notes for redemption in accordance with such notice, the redemption price of such TIF Notes shall be paid by the Finance Officer. Installments of interest due on or prior to the redemption date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any TIF Note, there shall be prepared for the Registered Owner a new TIF Note or Notes of the same maturity in the amount of the unpaid principal as provided herein. All TIF Notes that have been redeemed shall be cancelled and destroyed by the Finance Officer as provided herein and shall not be reissued.

TIF Notes shall be redeemed only in the principal amount of Five Thousand Dollars (\$5,000) or any integral multiple thereof. When less than all of the outstanding TIF Notes are to be redeemed and paid prior to maturity, such TIF Notes shall be selected by the Finance Officer in Five Thousand Dollar (\$5,000) units of face value in such equitable manner as the Finance Officer may determine.

The TIF Notes are issuable in the form of fully registered Notes without coupons in minimum denominations of One Hundred Thousand Dollars (\$100,000) or any integral multiple \$5,000 in excess thereof, except with respect to the Notes issued upon acceptance by the City of the final Certificate of Reimbursable Redevelopment Project Costs, which Notes may be issued in any denomination, subject to the limitation on the aggregate Principal Amount.

This TIF Note may be transferred or exchanged as provided in the Note Ordinance only upon the Register, upon surrender of this TIF Note together with a written instrument of transfer satisfactory to the Finance Officer duly executed by the Registered Owner or the Registered Owner's duly authorized agent.

**THE OWNER HEREOF EXPRESSLY AGREES, BY SUCH OWNER'S ACCEPTANCE HEREOF, THAT THE RIGHT TO PURCHASE, TRANSFER, ASSIGN OR NEGOTIATE THIS TIF NOTE SHALL BE LIMITED TO PURCHASE, TRANSFER, ASSIGNMENT OR NEGOTIATION TO APPROVED INVESTORS AND UPON THE EXECUTION BY THE PROPOSED PURCHASER OR TRANSFEREE OF AN INVESTMENT LETTER IN SUBSTANTIALLY THE FORM OF EXHIBIT C TO THE NOTE ORDINANCE, SIGNED BY THE PROPOSED PURCHASER OR TRANSFEREE, SHOWING THAT THE PROPOSED PURCHASER OR TRANSFEREE IS AN APPROVED INVESTOR. "Approved Investor" means (a) the Developer or any party or entity related to the Developer by one of the relationships described in Section 267(b) of the Internal Revenue Code of 1986, as amended, (b) an "accredited investor" under Rule 501(a) of Regulation D promulgated under the Securities Act of 1933, (c) a "qualified institutional buyer" under Rule 144A promulgated under the Securities Act of 1933, (d) any general business corporation or enterprise with total assets in excess of \$50,000,000, (e) the United States Department of Housing and Urban Development ("HUD") or any instrumentality thereof, or the Federal Housing Administration ("FHA"), a divisional unit of HUD, or (f) the mortgagee under any mortgage loan (whether FHA-insured or otherwise), so long as such mortgagee or its assignee meets the requirements of (a), (b), (c) or (d) above, relating to the Revenue Bonds. NOTWITHSTANDING ANYTHING CONTAINED HEREIN TO THE CONTRARY, no bond trustee in connection with the Revenue Bonds and no governmental departments, units, or agencies specifically named in this paragraph as an Approved Investor, nor any instrumentality of such governmental department, unit or agency, shall be required to execute an investment letter.**

Notwithstanding anything herein to the contrary, the City hereby approves, and no prior consent shall be required in connection with (i) the right of the Developer to pledge its interest in any TIF Note or any portion thereof to secure any mortgage loan in connection with the Revenue Bonds, or any other loans, advances or extensions of credit to finance or from time to time refinance all or any part of the Paul Brown Redevelopment Project Costs, or (ii) the right of the holder of any such pledge, or transferee of any

such pledge (or trustee or agent on its behalf) to transfer such interest due to foreclosure or transfer in lieu of foreclosure of the Property.

Subject to the limitations on transfer, exchange and assignment of this TIF Note as set forth herein, upon surrender thereof at the office of the Finance Officer, the Finance Officer shall transfer or exchange any TIF Note for a new TIF Note of the same maturity and in the same principal amount as the Outstanding principal amount of the TIF Note that was presented for transfer or exchange. Any TIF Note presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Finance Officer, duly executed by the Registered Owner thereof or by the Registered Owner's duly authorized agent.

This TIF Note shall not be valid or binding on the City or be entitled to any security or benefit under the Indenture until the Certificate of Authentication hereon has been executed by the Finance Officer.

**IT IS HEREBY CERTIFIED AND DECLARED** that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of the TIF Notes have existed, happened and been performed in due time, form and manner as required by law.

**IN WITNESS WHEREOF**, the **CITY OF ST. LOUIS, MISSOURI** has executed this TIF Note by causing it to be signed by the manual or facsimile signature of its Mayor, Comptroller and Treasurer and attested by the manual or facsimile signature of its City Register, and its official seal to be affixed or imprinted hereon, and this TIF Note to be dated as of the effective date of registration as shown on Schedule A attached hereto.

CITY OF ST. LOUIS, MISSOURI

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
Comptroller

By: \_\_\_\_\_  
Treasurer

Attest:

(Seal)

\_\_\_\_\_  
City Register

Approved as to Form:

\_\_\_\_\_  
City Counselor

#### ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

\_\_\_\_\_  
(Print or Type Name, Address and Social Security Number  
or other Taxpayer Identification Number of Transferee)

the within TIF Note and all rights thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_ agent to transfer the within Note on the books kept by the Finance Officer for the registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_.

\_\_\_\_\_  
NOTICE: The signature to this assignment must correspond with the name of the Registered Owner as it appears on the face of the within Note in every particular.

Signature Guaranteed By:

\_\_\_\_\_  
(Name of Eligible Guarantor Institution)

By: \_\_\_\_\_  
 Title: \_\_\_\_\_

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution as defined by SEC Rule 17Ad-15 (17 CFR 240.17Ad-15).

### SCHEDULE A

#### **CERTIFICATE OF AUTHENTICATION**

This TIF Note is one of the Series 200\_\_ TIF Notes described in the within-mentioned Note Ordinance.

<u>Date(1)</u>	<u>Additions to Principal Amount(2)</u>	<u>Principal Amount Paid</u>	<u>Outstanding Principal Amount</u>	<u>Authorized Signatory of Finance Officer</u>
_____, ____	\$	\$	\$	
_____, ____				
_____, ____				
_____, ____				
_____, ____				
_____, ____				
_____, ____				
_____, ____				
_____, ____				
_____, ____				
_____, ____				
_____, ____				
_____, ____				

- \_\_\_\_\_
- (1) Date of approval of each Certificate of Reimbursable Redevelopment Project Costs, as provided in Section 5.2 of the Redevelopment Agreement (which constitutes Date of Authentication with respect to such portion of the Note) or Payment Date.
  - (2) Limited to denominations of \$100,000 or any \$5,000 increment in excess thereof, except with respect to an advance pursuant to the final Certificate of Reimbursable Redevelopment Project Costs, which may be in any denomination, subject to the limitation on the aggregate principal amount provided for in the Note Ordinance.

### **EXHIBIT C**

#### **Form of Letter of Representations**

\_\_\_\_\_, 20\_\_

City of St. Louis  
 City Hall  
 Tucker and Market Streets  
 St. Louis, Missouri 63103  
 Attention: Mayor, Room 200  
 Attention: Comptroller, Room 311

Re: Not to Exceed \$3,264,200 City of St. Louis, Missouri, Tax Increment Revenue Notes, (Paul Brown Redevelopment Project), Series 2002

Ladies and Gentlemen:

This letter is to provide you with certain representations and agreements with respect to the purchase by the undersigned of not to exceed \$3,264,200 aggregate principal amount of Tax Increment Revenue Notes, (Paul Brown Redevelopment Project), Series 2002 (the "TIF Notes"), issued by the City of St. Louis, Missouri (the "City"). The TIF Notes are secured in the manner set forth in Ordinance No. \_\_\_\_\_ of the City adopted on \_\_\_\_\_, 2002 (the "Note Ordinance"). The undersigned hereby represents to each of you and agrees with each of you, as follows:

1. The undersigned is an Approved Investor (as defined in the Note Ordinance).
2. The undersigned acknowledges that the City has not made any representation or warranty concerning the accuracy



or completeness of any information furnished in connection with the purchase by the undersigned of the TIF Notes. Accordingly, the undersigned has not relied upon the City as to the accuracy or completeness of such information. As a sophisticated investor, the undersigned has made its own decision to purchase the TIF Notes based solely upon its own inquiry and analysis.

3. The undersigned understands that the TIF Notes do not constitute an indebtedness of the City or a loan or credit thereof within the meaning of any constitutional or statutory debt limitation or restriction.

4. The undersigned is familiar with and has counsel who are familiar with the federal and state legislation, rules, regulations and case law pertaining to the transfer and distribution of securities, including, but not limited to, disclosure obligations of the seller incident to any such transfer or distribution. The undersigned hereby covenants and agrees that the undersigned will not sell, offer for sale, pledge, transfer, convey, hypothecate, mortgage or dispose of the TIF Notes or any interest therein in violation of applicable federal or state law or in violation of restrictions on sale, assignment, negotiation or transfer of the TIF Notes as set forth in paragraph 6 below.

5. The undersigned is purchasing the TIF Notes for its own account for investment (and not on behalf of another) and, other than a contemplated pledge of the TIF Notes, has no present intention of reselling the TIF Notes or dividing its interest therein. Notwithstanding the foregoing, the undersigned has the right to sell, offer for sale, pledge, transfer, convey, hypothecate, mortgage or dispose of the TIF Notes at some future date determined by it, provided that such disposition is not in violation of restrictions on sale, assignment, negotiation or transfer of the TIF Notes as set forth in paragraph 6 below.

6. The undersigned acknowledges that the right to sell, assign, negotiate or otherwise transfer the TIF Notes shall be limited to Approved Investors (as defined in the Note Ordinance).

7. The undersigned agrees to indemnify and hold you harmless from any and all claims, judgments, attorneys' fees and expenses of whatsoever nature, whether relating to litigation or otherwise, resulting from any attempted or affected sale, offer for sale, pledge, transfer, conveyance, hypothecation, mortgage or disposition of the TIF Notes in violation of this letter.

8. The undersigned has satisfied itself that the TIF Notes may be legally purchased by the undersigned.

Sincerely,

\_\_\_\_\_  
as Purchaser

By: \_\_\_\_\_  
Title: \_\_\_\_\_

#### EXHIBIT D

#### Legal Description of RPA 2

#### (Arcade Boundary Description)

A tract being part of Pine, Eighth and Olive Streets and part of City Block 192; being more particularly described as beginning at the intersection of the center line of Olive Street, 60 feet wide, with the northern extension of the eastern line of Eighth Street; thence west along the center line of Olive Street a distance of 202.37 feet; thence south and parallel with Eighth Street a distance of 146.76 feet; thence west and parallel with Olive Street a distance of 19.53 feet; thence south and parallel with Ninth Street a distance of 176.76 feet to the south line of Pine Street, 60 feet wide; thence east along the south line of Pine Street a distance of 221.90 feet to a point being the intersection of the south line of Pine Street with the east line of Eighth Street, said point being the northwestern corner of City Block 183; thence north along the eastern line of Eighth Street a distance of 323.33 feet to the point of beginning.

Approved: December 10, 2002

#### ORDINANCE #65721 Board Bill No. 255

An ordinance affirming that the Redevelopment Area approved by ordinance 61950, known as the Delmar/Lake Redevelopment Area ("Area") as described in Exhibit "A" attached hereto and incorporated by reference, is a blighted area as defined in Section 99.320 of the Revised Statutes of Missouri, 1994, as amended, (the "Statute") being Sections 99.300 to 99.715 inclusive), affirming that redevelopment and rehabilitation of the Area is in the interest of the public health, safety, morals and general welfare of the people of the City; approving the Amended Blighting Study and Plan dated September 24, 2002 for the Area ("Amended Plan"), incorporated herein by Exhibit "A", pursuant to Section 99.430; finding that certain property in the Area may be acquired by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") through the exercise of eminent domain or otherwise; finding that the property within the Area is currently partially occupied and the Redeveloper shall be responsible for providing relocation assistance pursuant to the Amended Plan to any eligible occupants displaced as a result of implementation of the Amended Plan; finding that financial aid may be necessary to enable the Area to be redeveloped in accordance with the Amended Plan; finding that there shall be available up to ten (10) year tax abatement; and pledging cooperation of the Board of Aldermen and requesting various officials, departments, boards and agencies of the City to cooperate and exercise their respective powers in a

manner consistent with the Plan.

**WHEREAS**, there is a need for the LCRA, a public body corporate and politic created under Missouri law, to undertake the development of the above described Area as a Land Clearance Project under said Statute, pursuant to plans by or presented to the LCRA under Section 99.430.1 (4); and

**WHEREAS**, by Ordinance 61950 dated April 12, 1990, this Board also approved a Redevelopment Plan for the Area dated December 20, 1989; and

**WHEREAS**, it is desirable and in the public interest to amend the Redevelopment Plan approved by Ordinance 61950 modifying the eminent domain provisions; and

**WHEREAS**, the LCRA has recommended such an amended plan to the Planning Commission of the City of St. Louis ("Planning Commission") and to this St. Louis Board of Aldermen ("Board") titled "Amended Blighting Study and Plan for the Delmar/Lake Redevelopment Area" dated December 20, 1989, amended September 25, 2002, consisting of a Title Page, a Table of Contents Page and sixteen (16) numbered pages attached hereto and incorporated herein as Exhibit "B" ("Amended Plan") and

**WHEREAS**, under the provisions of the Statute, and of the federal financial assistance statutes, it is required that this Board take such actions as may be required to approve the Amended Plan; and

**WHEREAS**, it is desirable and in the public interest that a public body, the LCRA, undertake and administer the Plan in the Amended Area; and

**WHEREAS**, the LCRA and the Planning Commission have made and presented to this Board the studies and statements required to be made and submitted by Section 99.430 and this Board has been fully apprised by the LCRA and the Planning Commission of the facts and is fully aware of the conditions in the Amended Area; and

**WHEREAS**, the Amended Plan has been presented and recommended by LCRA and the Planning Commission to this Board for review and approval; and

**WHEREAS**, a general plan has been prepared and is recognized and used as a guide for the general development of the City and the Planning Commission has advised this Board that the Amended Plan conforms to said general plan; and

**WHEREAS**, this Board has duly considered the reports, recommendations and certifications of the LCRA and the Planning Commission; and

**WHEREAS**, the Amended Plan does prescribe land use and street and traffic patterns which may require, among other things, the vacation of public rights-of-way, the establishment of new street and sidewalk patterns or other public actions; and

**WHEREAS**, this Board is cognizant of the conditions which are imposed on the undertaking and carrying out of a redevelopment project, including those relating to prohibitions against discrimination because of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap; and

**WHEREAS**, in accordance with the requirements of Section 99.430 of the Statute, this Board advertised that a public hearing would be held by this Board on the Amended Plan, and said hearing was held at the time and place designated in said advertising and all those who were interested in being heard were given a reasonable opportunity to express their views; and

**WHEREAS**, it is necessary that this Board take appropriate official action respecting the approval of the Amended Plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** The finding of the Board of Aldermen, by St. Louis Ordinance 61950 dated April 12, 1990, that certain property described therein (and described herein as Exhibit "A" attached hereto and incorporated herein) is a blighted area, as defined in Section 99.320(3) of the Revised Statutes of Missouri, 1994, as amended (the "Statute" being Section 99.300 to 99.715 inclusive, as amended) is hereby confirmed.

**SECTION TWO.** The redevelopment of the Area as described in Exhibit "A", as provided by the Statute, is necessary and in the public interest, and is in the interest of the public health, safety, morals and general welfare of the people of the City.

**SECTION THREE.** The Area qualifies as a redevelopment area in need of redevelopment under the provision of the Statute, and the additional property included in the Area is also blighted as defined in Section 99.320 of the Statute.

**SECTION FOUR.** The Amended Blighting Study and Plan for the Area, amended September 24, 2002 ("Amended Plan") having been duly reviewed and considered, is hereby approved and incorporated herein by reference, and the President or Clerk of this St. Louis Board of Aldermen ("Board") is hereby directed to file a copy of said Amended Plan with the Minutes of this meeting.

**SECTION FIVE.** The Amended Plan for the Area is feasible and conforms to the general plan for the City.

**SECTION SIX.** The financial aid provided and to be provided for financial assistance pertaining to the Area is necessary to enable the redevelopment activities to be undertaken in accordance with the Amended Plan for the Area, and the proposed financing plan for the Area is feasible.

**SECTION SEVEN.** The Amended Plan for the Area will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the Area by private enterprise, and private developments to be sought pursuant to the requirements of the Statute.

**SECTION EIGHT.** The Amended Plan for the Area provides that the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") may acquire any property in the Area through negotiation and may exercise the power of eminent domain to acquire certain parcels within the Area. The LCRA may not acquire, by exercise of eminent domain, any owner occupied residential properties in the Area. In addition, the following parcels may not be acquired by exercise of eminent domain: Parcel Number 3 (5232-38 Delmar Blvd.) Parcel Number 4 (5218-24 Delmar Blvd.) Parcel Number 5 (5212-16 Delmar Blvd.) Parcel Number 6 (5210 Delmar Blvd.) Parcel Number 9 (5162-66 Delmar Blvd.) Parcel Number 25 (5018-20 Delmar Blvd.) Parcel Number 26 (5000 Delmar Blvd.) The LCRA may acquire by eminent domain, any other properties in the Area. Parcel Numbers are identified on Exhibit "D", Acquisition Map of the Plan.

**SECTION NINE.** The property within the Area is currently partially occupied. All eligible occupants displaced by the Redeveloper ("Redeveloper" being defined in Section Thirteen, below) shall be given relocation assistance by the Redeveloper at its expense, in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

**SECTION TEN.** The Amended Plan for the Area gives due consideration to the provision of adequate public facilities.

**SECTION ELEVEN.** In order to implement and facilitate the effectuation of the Amended Plan hereby approved it is found and determined that certain official actions must be taken by this Board and accordingly this Board hereby:

- (a) Pledges its cooperation in helping to carry out the Amended Plan;
- (b) Requests the various officials, departments, boards and agencies of the City, which have administrative responsibilities, likewise to cooperate to such end and to execute their respective functions and powers in a manner consistent with the Amended Plan; and
- (c) Stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Amended Plan.

**SECTION TWELVE.** All parties participating as owners or purchasers of property in the Area for redevelopment ("Redeveloper") shall agree for themselves and their heirs, successors and assigns that they shall not discriminate on the basis of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap in the sale, lease, or rental of any property or improvements erected or to be in the Area or any part thereof and those covenants shall run with the land, shall remain in effect without limitation of time, shall be made part of every contract for sale, lease, or rental of property to which Redeveloper is a party, and shall be enforceable by the LCRA, the City and the United States of America.

**SECTION THIRTEEN.** In all contracts with private and public parties for redevelopment of any portion of the Area, all Redevelopers shall agree:

- (a) To use the property in accordance with the provisions of the Amended Plan, and be bound by the conditions and procedures set forth therein and in this Ordinance;
- (b) That in undertaking construction under the agreement with the LCRA and the Amended Plan, bona fide Minority Business Enterprise ("MBE's") and Women Business Enterprise ("WBE's") will be solicited and fairly considered for contracts, subcontracts and purchase orders;
- (c) To be bound by the conditions and procedures regarding the utilization of MBE's and WBE's established by the Community Development Commission of the City;
- (d) To adhere to the requirements of the Executive Order of the Mayor of the City, dated July 24, 1997.
- (e) To comply with the requirements of Ordinance No. 60275 of the City;
- (f) To cooperate with those programs and methods supplied by the City with the purpose of accomplishing, pursuant to this paragraph, minority and women subcontractors and material supplier participation PAGE: Five of Eight in the construction under this Agreement. The Redeveloper will report semi-annually during the construction period the results of its endeavors under this paragraph, to the Office of the Mayor and the President of this Board; and
- (g) That the language of this Section Fourteen shall be included in its general construction contract and other construction contracts let directly by Redeveloper.

The term MBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated

and controlled by minority group members who have at least fifty-one percent (51%) ownership. The minority group member(s) must have operational and management control and interest in capital and earnings commensurate with their percentage of ownership. The term Minority Group Member(s) shall mean persons legally residing in the United States who are Black, Hispanic, Native American (American Indian, Eskimo, Aleut or Native Hawaiian), Asian Pacific American (persons with origins from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, U.S. Trust Territory of the Pacific Islands, Laos, Cambodia or Taiwan) or Asian Indian American (persons with origins from India, Pakistan or Bangladesh). The term WBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by a woman or women who have at least fifty-one percent (51%) ownership. The woman or women must have operational and managerial control and interest in capital and earnings commensurate with their percentage of ownership. The term "Redeveloper" as used in this Section shall include its successors in interest and assigns.

**SECTION FOURTEEN.** The Redeveloper may seek ten (10) year tax abatement pursuant to Sections 99.700 - 99.715, Revised Statutes of Missouri, 1994, as amended, upon application as provided therein. Such real estate tax abatement shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other similar local taxing district created in accordance with Missouri law, whether now existing or later created. In lieu of the ten (10) year abatement outlined above, a redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement, which shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District or any other single local taxing district created in accordance with Missouri law, whether now existing or later created, for a total period of up to ten (10) years from the commencement of PAGE: Six of Eight such tax abatement, in accordance with the following provisions of the Plan:

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for the first ten (10) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for the same ten (10) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. If property shall be tax-exempt because it is owned by the LCRA and leased to any such corporation, then such corporation for the first ten (10) years of such lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year preceding the calendar year during which such corporation shall lease such property.

All payments in lieu of taxes shall be a lien upon the property and, when paid to the Collector of Revenue of the City shall be distributed as all other property taxes. These partial tax relief and payment in lieu of taxes provisions, during up to said ten (10) year period, shall inure to the benefit of all successors in interest in the property of the redevelopment corporation, so long as such successors shall continue to use such property as provided in this Plan and in any contract with the LCRA. In no event shall such benefits extend beyond ten (10) years after the redevelopment corporation shall have acquired title to the property.

**SECTION FIFTEEN.** Any proposed modification which will substantially change the Amended Plan, shall be approved by the St. Louis Board of Aldermen in the same manner as the Amended Plan was first approved. Modifications which will substantially change the Amended Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the Area, or to other items which alter the nature or intent of the Amended Plan. The Amended Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA, provided that such revisions shall be effective only upon the consent of the the Planning Commission of the City. Changes which are not substantial are those that do not go to the crux of the Amended Plan.

**SECTION SIXTEEN.** The sections of this Ordinance shall be severable. In the event that any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections of this Ordinance are valid, unless the court finds the valid sections of the Ordinance are so essential and inseparably connected with and dependent upon the void section that it cannot be presumed that this Board would have enacted the valid sections without the void ones, or unless the court finds that the valid sections standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

**EXHIBIT "A"**

**LEGAL DESCRIPTION**  
**DELMAR LAKE AREA**

A tract of land being the northern portion of City Blocks 5050A and 5051A of the City of St. Louis, and being more particularly described as follows:

Beginning at the intersection of the north line of an east/west alley (15 feet wide) in City Block 5050A and the east line of Union Boulevard (100 feet wide); thence northwardly along said line of Union Boulevard to the south line of Delmar Boulevard (100 feet wide); thence eastwardly along said line of Delmar Boulevard to the west line of Kingshighway Boulevard (100 feet wide); thence southwardly along said line of Kingshighway Boulevard to the north line of an east/west alley (15 feet wide) in City Block 5051A; thence westwardly along said line and its westward prolongation across all intersecting streets to the point of beginning.

**EXHIBIT "B"**  
**FORM: 9/20/02**

BLIGHTING STUDY AND PLAN  
 FOR  
**DELMAR/LAKE AREA**  
 PROJECT #4312  
 LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY  
 OF THE CITY OF ST. LOUIS  
 THE PLANNED INDUSTRIAL EXPANSION AUTHORITY  
 OF THE CITY OF ST. LOUIS  
 DECEMBER 20, 1989  
 REVISED SEPTEMBER 21, 1993  
 AMENDED SEPTEMBER 24, 2002

MAYOR  
 FRANCIS G. SLAY

**AMENDED BLIGHTING STUDY AND PLAN FOR  
 DELMAR/LAKE AREA**

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#### **EXHIBITS**

“A”	LEGAL DESCRIPTION
“B”	PROJECT AREA PLAN
“C”	PROPOSED LAND USE
“D”	ACQUISITION MAP
“E”	EQUAL OPPORTUNITY AND NON DISCRIMINATION GUIDELINES

#### **A. EXISTING CONDITIONS AND FINDINGS OF BLIGHT**

##### **1. DELINEATION OF BOUNDARIES**

The Delmar/Lake Area (the "Area") is situated in the Central West End of the City of St. Louis, fronting along the south side of Delmar Boulevard between Kingshighway Boulevard on the east and Union Boulevard on the west. It includes the 5000, 5100 and 5200 blocks on the south side of Delmar Boulevard.

The legal description of the Area is attached and labeled Exhibit "A". The boundaries of the Area are delineated on Exhibit "B" (Project Area Plan).

##### **2. GENERAL CONDITION OF THE AREA**

The Area is comprised of portions of the northern one-half of City Block 5050A and 5051A. The Area includes a mix of multi-family residential units, a number of commercial properties and several vacant lots. While several of the buildings in the Area are occupied and in fair condition, a substantial number of the buildings are unoccupied and in poor condition. The physical condition of the property within the Area is shown on Exhibit "B" (Project Area Plan).

Unemployment figures computed by the Missouri State Employment Service indicate a 8.1% unemployment rate for the City of St. Louis as of September, 1989. It is estimated that this rate is prevalent in the neighborhoods surrounding the Area.

There are approximately 60 jobs currently within the Area.

##### **3. PRESENT LAND USE AND DENSITY OF THE AREA**

Existing land use includes eight (8) operating businesses and four (4) unoccupied commercial structures. The eight businesses include three restaurants, two service stations, one auto repair shop, one autobody shop and one funeral parlor. The Area also includes 3 two-family flats, 4 four-family flats, 5 six-unit apartment buildings, and several unimproved lots. All of the six-unit apartment buildings are unoccupied.

Residential density for the surrounding neighborhoods is approximately 22.7 persons per acre. The land use, including the location of public and private uses, streets and other rights-of-way is shown on Exhibit "C" (Proposed Land Use).

##### **4. PRESENT LAND USE OF SURROUNDING PROPERTIES**

The property fronting along the north line of Delmar Boulevard is dominated by commercial uses but also includes several multi-family units and an institutional use. The property to the east of the Area along either side of Delmar is improved primarily with commercial uses. The property to the south of the Area is dominated by residential uses with a number of institutional uses along Kingshighway Boulevard. The property to the west is primarily residential.

##### **5. CURRENT ZONING**

Currently, the Area is zoned "H" Area Commercial District pursuant to the Zoning Code of the City of St. Louis which is incorporated in this Plan by reference.

##### **6. FINDING OF BLIGHT**

While much of the Area is currently improved with structures, a substantial number of these improvements are unoccupied and/or in poor condition. In addition, the Area also includes several vacant lots. The existence of underutilized and deteriorated property constitutes both an economic liability to the City and presents a hazard

to the health and well being of the people. The conditions, therefore, qualify the Area as "blighted".

## **B. PROPOSED DEVELOPMENT AND REGULATIONS**

### **1. DEVELOPMENT OBJECTIVES**

The primary objective of this plan is to facilitate the development of the Area into productive commercial/residential uses, including parking facilities.

The development activity proposed by this Plan contemplates construction and rehabilitation of commercial/residential uses.

### **2. PROPOSED LAND USE OF THE AREA**

The proposed land uses for the Area are commercial and residential uses permitted by the "H" Area Commercial District.

In addition, any and all Industrial Developers or Redevelopers (hereafter collectively referred to as "Redeveloper") contracting with either the Planned Industrial Expansion Authority of the City of St. Louis (PIEA) or the Land Clearance for Redevelopment Authority of the City of St. Louis (LCRA) to develop property in the Area shall not be permitted to use said property for the following:

pawn shops, adult bookstores, x-rated movie houses, massage parlors or health spas, auto and truck dealers (new or used), storefront churches, pinball arcades, pool halls, secondhand or junk shops, tattoo parlors, truck or other equipment rentals requiring outside storage, blood donor facilities, free standing package liquor stores, check cashing centers, any use (except for financial institutions) that utilizes a sales or service window or facility for customers who are in cars, or restaurants that sell products to customers who are in cars or who consume the sold products in cars parked on the restaurant premises, or sell products through a sales window to customers who are in cars or to pedestrians outside the building for immediate consumption by the customer either on or off the premises.

Exhibit "C" (Proposed Land Use) shows the proposed use for the Area. The Proposed Land Use Map also shows that public rights-of-way can remain unchanged, except that the portion of Lake Avenue that is within the Area may be vacated.

### **3. PROPOSED ZONING**

The zoning for the Area can remain "H" Area Commercial District. All land coverage and building intensities shall be governed thereby.

### **4. RELATIONSHIP TO LOCAL OBJECTIVES**

The proposed land uses, zoning, public facilities and utility plans are appropriate and consistent with local objectives as defined by the General Plan of the City of St. Louis including the "Comprehensive City Plan" (1947), the "St. Louis Development Program" (1973), and the "Economic Development Strategy" (1978). Any specific proposal to PIEA or LCRA for development of the Area or any portion of the Area shall contain, among other things, adequate provisions for traffic, vehicular parking, safety from fire, adequate provisions for light and air, sound design and arrangement and improved employment opportunities.

### **5. PROPOSED EMPLOYMENT FOR THIS AREA**

Approximately 50 to 100 new permanent jobs could be created if the Area is developed in accordance with this Plan. The exact number of jobs created will depend upon the specific nature of the proposed development. A portion of the employment created in the Area will reflect the skill level of the nearby population and a reasonable opportunity shall be provided in the Area for upward mobility and skill training of the low skilled employees initially hired in the Area.

### **6. CIRCULATION**

The Proposed Land Use Plan (Exhibit "C") indicates the proposed circulation of the Area. The layouts, levels and grades of all public rights-of-way may remain unchanged, except the segment of Lake Avenue within the Area may be vacated. No new or rehabilitated commercial use shall have public pedestrian or vehicular access to the east-west alley south of Delmar. Only service access from the alley shall be allowed.

If the Redeveloper deems it desirable for rights-of-way changes to be made, the changes will be subject to the review and approval of the City of St. Louis Department of Streets and all vacations of rights-of-way are subject to ordinance approval.

### **7. BUILDINGS AND SITE REGULATIONS**

The Area shall be subject to the regulations and controls of all applicable federal, state and local laws, ordinances, regulations and codes, including but not limited to, the Building Code, Zoning District Regulations and stipulations of the Heritage and Urban Design Commission (HUDC) of the City of St. Louis. The population densities, land coverage and building intensities of redevelopment shall be governed by the Zoning Code and Zoning Variance. No changes in the building codes or ordinances are required.

**a. New Construction**

All new construction shall be at least two stories in height except commercial buildings may be one-story in height if roofs or parapets add height and give the impressions of a taller building. Materials on all facades shall be compatible with the red brick residential structures on Delmar and the general high style character of buildings in adjacent areas such as Lake and Washington to the south and Union and Kingshighway Boulevards to the west and east.

Residential construction shall be compatible with nearby existing residential building stock in terms of height, massing, materials, roof, fenestration patterns and fenestration proportions. Openings such as windows and doors shall be proportionally similar to existing residential building stock. Any new residential buildings shall be built at the previously established building line.

Commercial construction should be built whenever possible at the building line established by commercial buildings presently on the street. If not, the urban character of the neighborhood should be protected by the use of "out" buildings built at the street with entrances at the sidewalk. All commercial development should incorporate the use of outbuildings as part of the basic commercial design. While the outbuildings need not be two-story, it is especially important that the design of these outbuildings reflect traditional storefront architecture. Interior activity shall be visible from the street. Awnings and transoms are encouraged.

Parcel 26 (southwest corner of Kingshighway and Delmar Blvd.) relates more to the uses which have been developed on the other three corners of that intersection than to the remainder of the Area, partially because a fast food restaurant occupies Parcel 25 west of Parcel 26. Given this context, a one-story, non masonry building set back from the streets would be consistent with the other development. Further, none of the developments on the other corners reflect traditional storefront architecture. Therefore, Parcel 26 can be developed more consistently with the other properties at that intersection.

**b. Rehabilitation**

All building rehabilitation shall respect and enhance the original building design, original openings such as doors and windows shall be retained when possible. Closing of such openings shall be compatible with building design.

**c. Fencing**

All fencing and gates along property lines shall be black cast metal or wrought iron.\*

**Revised September 21, 1993.**

**d. Landscaping/ Buffer**

All property shall be well landscaped including street trees on approximately twenty-five (25) foot centers and at least two and one-half (2-1/2) inch caliper in size on planting. All new or rehabilitated uses shall be buffered from the residential/ institutional uses to the south by a masonry wall at least six (6) feet in height along the north edge of the alley. LCRA or PIEA may require a higher wall if needed to adequately buffer existing residential uses. No commercial use shall permit public pedestrian or vehicular access to its property from the alley - only service access from the alley shall be allowed.

The Redeveloper shall maintain all structures, equipment, paved areas, and landscaped areas controlled by the Redeveloper in good safe order both inside and outside, structurally and otherwise, including necessary and proper painting. Failure to provide such maintenance can result in suspension of tax abatement.

**8. PARKING REGULATIONS**

Parking shall be, at a minimum, in accordance with the HUDC stipulations, zoning and building code requirements of the City. This will provide for adequate vehicular parking for the Area.

If parking lots exceed 20 spaces; three (3) percent of the interior of the parking lots shall be landscaped with trees, at least two and one-half (2-1/2) inch caliper in size on planting. The trees shall be planted on islands, the largest dimension of which shall be at least five (5) feet, planted with low lying ground cover or other plant



material.

Residential surface parking shall not extend beyond the established building line and must be completely surrounded by a continuous evergreen hedge at least two and one-half (2 1/2) feet high on planting and maintained at three and one-half (3 1/2) feet high on maturity in a planting strip not smaller than ten (10) feet wide. The planting strip should also contain decorative trees on approximately twenty-five (25) foot centers.

Except for Parcel 26, whenever commercial surface parking is in front of the buildings, the parking area should be screened with a decorative wall and/or fence of masonry, cast metal, wrought iron, or a combination thereof, with eight foot masonry piers capped with appropriate stone material located at gates, corners and every twenty-five (25) feet along the perimeter. All such cast metal or wrought iron fencing must be planted with a continuous hedge at least two and one-half (2 1/2) feet high on planting. PIEA or LCRA may waive the masonry pier requirement for existing commercial surface parking areas in front of buildings.\*

Whenever new commercial surface parking or service areas are constructed adjacent to residential uses to the east or west, a masonry buffer wall at least six (6) feet in height shall be required.

**Revised September 21, 1993.**

**9. SIGN REGULATIONS**

All new signs shall be limited as set out in the City Code, HUDC stipulations, this Plan and contracts between the PIEA or LCRA and the Redeveloper. A uniform signage plan must be developed for each building.

All new signs shall be restricted to those identifying the names and/or business of the person or firm occupying the premises. New wall signs shall not obstruct any architectural building elements and be placed only on the fronts of buildings or on those sides of the buildings fronting on public or private streets, shall project no more than eighteen (18) inches from the face of the building, shall not extend above the second floor window sill of the structure, and be the lesser of either one hundred (100) square feet or ten percent (10%) of the ground floor wall surface fronting on such streets. Only one sign per business per wall facing on a public or private street shall be permitted.

Canvas awnings are permitted, provided they are compatible with the overall design and architectural details of the building on which they are placed. Signage on awnings is limited to awning apron. In no case shall signage be allowed on an awning apron and a building for the same business.

Ground or monument signs may be permitted provided they do not exceed ten (10) feet in height nor exceed fifty (50) square feet per side, and provided the PIEA or LCRA confirms that such a sign is required based upon the use, location or siting of the structure. In addition, businesses having more than 40,000 square feet of ground floor area may have signs proportionately larger than the maximum size set out above provided that the PIEA or LCRA confirms that there is need based upon the use, location or siting of the building.

Painted wall signs, pole signs, moving signs, animated or flashing signs or permanent or portable message board signs shall not be permitted and no regular or mini billboards (free standing or mounted on structures) shall be erected or maintained therein except that construction signs may be maintained during construction and for a period of one (1) year after completion of improvements on any respective parcel or part thereof.

**10. BUILDING AND SIGN PERMITS**

No building, conditional use or sign permits shall be issued by the City of St. Louis without prior written approval of the PIEA or LCRA.

**11. PUBLIC IMPROVEMENTS**

No additional schools, parks, recreational and community facilities or other public facilities will be required. Additional water, sewage or other public utilities may be required depending on development. The cost of such utility improvements will be borne by the Redeveloper.

If funds are made available to the PIEA or LCRA, it will provide public improvements, including, but not limited to, measures for the control of traffic, improvements to street lighting, street trees, and any other improvements which may enhance the implementation of this Plan.

When developed as outlined above, the Area will consist of a coordinated, adjusted and harmonious development which will promote health, safety, morals, order, convenience, prosperity, the general welfare, efficiency and economy.

**C. PROPOSED SCHEDULE OF DEVELOPMENT**

The implementation of this Plan shall take place in two phases. Phase I shall be initiated within approximately two (2) years of approval of this Plan by ordinance and completed within approximately five (5) years of approval of this Plan by ordinance and shall consist of the redevelopment of approximately 50% of the Area.

Phase II shall be initiated within approximately five (5) years of approval of this Plan by ordinance and completed within approximately ten (10) years of approval of this Plan by ordinance and shall consist of the redevelopment of the remainder of the Area.

The PIEA or LCRA shall have the right to alter the above schedule without prejudicing this Plan, or its implementation, in order to accommodate modifications in the Redeveloper's schedule. Such alteration of the schedule will not constitute a substantial change in the Plan nor will it require the approval of the St. Louis Board of Aldermen.

#### **D. EXECUTION OF PROJECT**

##### **1. ADMINISTRATION AND FINANCING**

The PIEA is empowered by Missouri law to administer "industrial development" of the Area (as defined in Section 100. 310(9) R. S. Mo. (1988), pursuant to this Plan and can do so to the extent and in the manner prescribed by the Planned Industrial Expansion Law of Missouri. The LCRA is empowered by Missouri law to administer development of all types pursuant to this Plan and can do so to the extent and in the manner prescribed by the Land Clearance for Redevelopment Law of Missouri. Notwithstanding the foregoing however, prior to the LCRA or PIEA entering into a Redevelopment Agreement with a Redeveloper, the St. Louis Board of Aldermen shall approve the proposal of said Redeveloper, by resolution; provided however, that if any property in said Redevelopment Agreement is to be acquired by exercise of eminent domain, the Board of Aldermen shall conduct a public hearing, prior to the adoption of said resolution, with notice thereof being contained on a placard to be placed on the properties affected by the Redevelopment Agreement and at each end of every block in which such Redevelopment Agreement is proposed, at least fifteen (15) days prior to the public hearing.

Neither LCRA nor PIEA shall enter into a Redevelopment Agreement with a Redeveloper for any of the following parcels unless such Redevelopment Agreement shall include at least all of the parcels (see proposed Acquisition Map, Exhibit "D") in its respective sub-area.

Sub-area I Parcels 7 and 8  
Sub-area II Parcels 9 through 15  
Sub-area III Parcels 16 through 24

Implementation of the Plan may be financed by funds obtained from private and possibly public sources, including, without limitation, revenue bonds, bank loans and equity funds provided by the Redeveloper.

All costs associated with the development of the Area will be borne by the Redeveloper.

##### **2. PROPERTY ACQUISITION\***

The Property Acquisition Map, Exhibit "D" attached, identifies all the property located in the Area. The PIEA or LCRA may not acquire, by exercise of eminent domain, any owner-occupied residential properties in the Area. In addition, the following parcels may not be acquired by exercise of eminent domain:

Parcel Number 3 (5232-38 Delmar Boulevard)  
Parcel Number 4 (5218-24 Delmar Boulevard)  
Parcel Number 5 (5212-16 Delmar Boulevard)  
Parcel Number 6 (5210 Delmar Boulevard)

Parcel Number 9 (5162-66 Delmar Boulevard)  
Parcel Number 25 (5018-20 Delmar Boulevard)  
Parcel Number 26 (5000 Delmar Boulevard)

The PIEA or LCRA may acquire, by eminent domain any other properties in the Area. Parcel Numbers are identified on Exhibit "D", Acquisition Map.

**\*Revised 9/24/02 to allow the use  
of eminent domain to  
acquire Parcel identified as #1  
on Exhibit "D"**

##### **3. PROPERTY DISPOSITION**

If the PIEA or LCRA acquires property, it may sell or lease the property to a Redeveloper who shall agree to develop such property in accordance with this Plan and the contract between such Redeveloper and the PIEA or LCRA. Any property acquired by the PIEA or LCRA and sold to a Redeveloper will be sold at not less than

fair market value, as determined by an independent appraiser.

4. RELOCATION ASSISTANCE

Some of the properties in the Area are currently occupied. All eligible occupants displaced by the implementation of this Plan shall be given relocation assistance in accordance with all applicable federal, state and local laws, ordinances, regulations and policies. In addition, timely notice of development activities shall be provided to all occupants.

**E. COOPERATION OF THE CITY**

The City of St. Louis and its Board of Aldermen, by enacting an ordinance(s) approving this Plan, pledges its cooperation to enable the project to be carried out in a timely manner and in accordance with this Plan.

**F. TAX ABATEMENT**

A Redeveloper shall hereby be entitled to seek ad valorem tax abatement benefits for a period not to exceed ten (10) years from the commencement of such tax abatement, as follows:

If property in the Area is sold by the PIEA or LCRA to a redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for ten (10) years after the date the redevelopment corporation shall acquire such property, taxes on such property shall be based on the assessment of land, exclusive of any improvements thereon, during the calendar year preceding the calendar year during which such redevelopment corporation shall have acquired title to such property. In addition to such taxes, such corporations shall for the same ten year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year preceding the calendar year during which such redevelopment corporation shall have acquired title to such property. If property shall be tax-exempt because it is owned by the PIEA or LCRA and leased to any such corporation, then such corporation for the first ten (10) years of such lease shall make payments in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the property, land and improvements during the calendar year preceding the calendar year during which such redevelopment corporation shall begin leasing such property.

All payments in lieu of taxes shall be a lien upon the property and when paid to the collector of Revenue of the City of St. Louis, shall be distributed as all other property taxes. Said partial tax relief and payments in lieu of taxes provisions during said ten (10) year period shall inure to the benefit of all successors in interest in the property of the redevelopment corporation, so long as such successors shall continue to use such property as provided in this Plan and in any contract with the PIEA or LCRA; however, in no event shall such benefits extend beyond ten (10) years after the date said redevelopment corporation shall have acquired the property. Further, in lieu of the ten (10) year abatement outlined above, a Redeveloper can seek ten (10) year tax abatement pursuant to Sections 99.700 - 99.715, Revised Statutes of Missouri, upon application as provided therein.

**G. COMPLIANCE WITH AFFIRMATIVE ACTION AND NONDISCRIMINATION LAWS AND REGULATIONS**

1. LAND USE

A Redeveloper shall not discriminate on the basis of race, color, religion, national origin, marital status, sex, age, or physical handicap in the lease, sale or occupancy of the Area.

2. CONSTRUCTION AND OPERATIONS

A Redeveloper shall not discriminate on the basis of race, color, religion, national origin, marital status, sex, age, or physical handicap in the construction and operation of any project in the Area and shall take such affirmative action as may be appropriate to afford opportunities to everyone in all activities of the project, including enforcement, contracting, operating and purchasing.

3. LAWS AND REGULATIONS

A Redeveloper shall comply with all applicable federal, state and local laws, ordinances, executive orders and regulations regarding nondiscrimination and affirmative action, including the Community Development Agency Guidelines for Maximum Utilization of Minority Enterprises, dated January 1, 1981, as may be amended, and guidelines in Exhibit "E", attached.

4. ENFORCEMENT

All of the provisions of this Section G shall be incorporated in a Contract between the PIEA or LCRA and a Redeveloper, which agreement shall be recorded in the office of the Recorder of Deeds. The provisions of G (1) and G (3) shall be covenants running with the land, without limitation as to time, and the provisions of G (2) shall be for the duration of this Plan and any extension thereof.

**H. PROCEDURES FOR CHANGES IN APPROVED PLAN**

This Plan may be modified at any time by the PIEA or LCRA with the consent of the Community Development Agency and the St. Louis Board of Aldermen by resolution; provided that, if modified after the sale or long term lease of real property in the Area, modification must be concurred in by all Redevelopers or successors in interest affected by the proposed modifications.

Where the proposed modification will substantially change this Plan, the modification must be approved by the St. Louis Board of Aldermen by ordinance.

**I. DURATION OF REGULATION AND CONTROLS**

The regulation and controls set forth in this Plan shall be in full force and effect for twenty-five years commencing with the effective date of approval of this Plan by ordinance, and for additional ten (10) year periods unless before the commencement of any such ten (10) year period the Board of Aldermen shall terminate this Plan as of the end of the term then in effect, except as provided in Section G (4) of this Plan.

**J. EXHIBITS**

All attached exhibits are hereby incorporated by reference into this Plan and made a part hereof.

**K. SEVERABILITY**

The elements of this Plan satisfy all requirements of state and local laws. Should any provisions of this Plan be held invalid by a final determination of a court of law, the remainder of the provisions hereof shall not be affected thereby, and shall remain in full force and effect.

**EXHIBIT "A"****LEGAL DESCRIPTION**  
**DELMAR LAKE AREA**

A tract of land being the northern portion of City Blocks 5050A and 5051A of the City of St. Louis, and being more particularly described as follows:

Beginning at the intersection of the north line of an east/west alley (15 feet wide) in City Block 5050A and the east line of Union Boulevard (100 feet wide); thence northwardly along said line of Union Boulevard to the south line of Delmar Boulevard (100 feet wide); thence eastwardly along said line of Delmar Boulevard to the west line of Kingshighway Boulevard (100 feet wide); thence southwardly along said line of Kingshighway Boulevard to the north line of an east/west alley (15 feet wide) in City Block 5051A; thence westwardly along said line and its westward prolongation across all intersecting streets to the point of beginning.

See attached Exhibits B, C & D

**EXHIBIT "E"**  
**FORM: 11/09/88****EQUAL OPPORTUNITY AND NONDISCRIMINATION GUIDELINES**

In any contract for work in connection with this project, the Redeveloper (which term shall include Redeveloper, any designees, successors and assigns thereof, and any entity formed to implement the project of which the Redeveloper is a general partner), its contractors and subcontractors will include a clause requiring compliance with all federal, state and local laws, ordinances, or regulations governing equal opportunity and nondiscrimination, the Executive Order of the Mayor of the City of St. Louis dated December 6, 1984, and all guidelines herein.

The Redeveloper and its contractor will not contract or subcontract with any party known to have been found in violation of any such laws, ordinances or regulations of these guidelines.

In the implementation of this project, there shall be maximum utilization of bona fide minority and women business enterprises. The Redeveloper will set a minimum goal of fifteen percent (15%) minority participation under these guidelines. In the event the Redeveloper fails to attain that goal, the Redeveloper may be required to show good cause thereof; however, this requirement will be deemed to have been met when documentation evidences that all available resources, i.e. minority and female suppliers, contractors, and subcontractors have been exhausted.

For purposes of this section, the term "minority business enterprise" means a business at least fifty-one (51%) of which is owned and controlled by minority group members. The term "women business enterprise" means a business at least fifty-one percent (51%) of which is owned and controlled by females. For the purpose of the preceding sentences, minority group members means citizens of the United States who are Blacks, Hispanics, American Indians, Asians and Pacific Islanders.

The Redeveloper will certify and agree in writing, that it is under no contractual or other disability, which would prevent it from

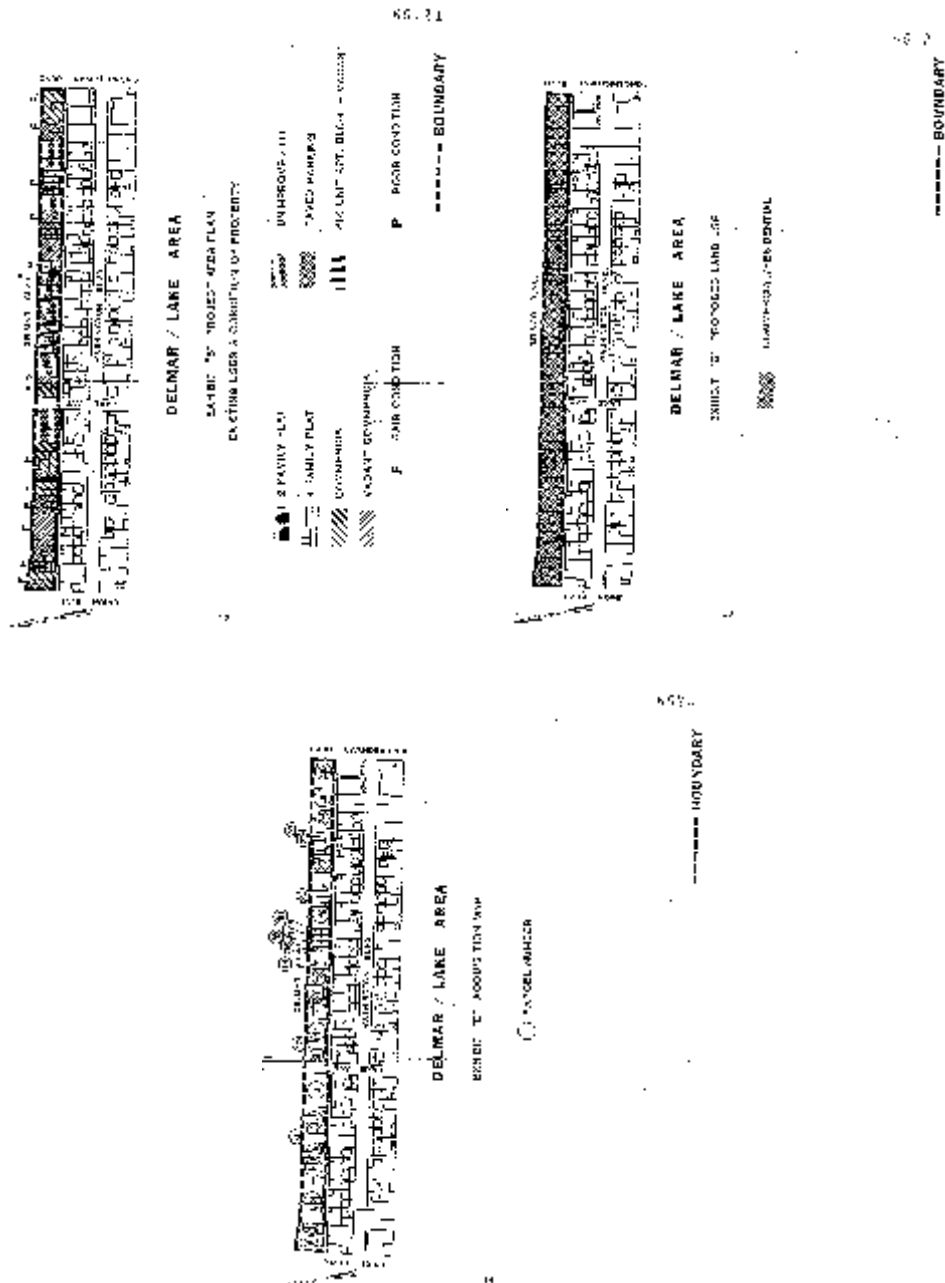
complying with the requirements set forth herein.

The Redeveloper agrees for itself and its successors and assigns, that there shall be covenants to ensure that there shall be no discrimination on the part of the Redeveloper, its successors or assigns upon the basis of race, color, religion, national origin, sex, marital status, age or physical handicap in the sale, lease, rental, use or occupancy of any property, or improvements erected or to be erected in the project or any part thereof, and those covenants shall run and shall be enforceable by the LCRA, the City of St. Louis, and the United States of America, as their interests may appear in the project.

The Redeveloper agrees that if the project involves employment, it shall enter into an Employment Plan with the Saint Louis Agency on Training and Employment (SLATE) and the LCRA and/or PIEA for referral of JTPA eligible individuals. Said plan shall specify the number of jobs to be covered by the Employment Plan, the target date for referrals to begin, and the procedure for referral.

Approved: December 10, 2002

ORDINANCE NO. 65721 - EXHIBITS B, C & D



**ORDINANCE #65722**  
**Board Bill No. 256**

An ordinance approving a Redevelopment Plan for the 4052 & 4171-75 Castleman Avenue, 3911 & 4130 Shenandoah Avenue & 4203 Russell Boulevard Redevelopment Area ("Area") after finding that the Area is blighted as defined in Section 99.320 of the Revised Statutes of Missouri, 1994, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive), containing a description of the boundaries of said Area in the City of St. Louis ("City"), attached hereto and incorporated herein as Exhibit "A", finding that redevelopment and rehabilitation of the Area is in the interest of the public health, safety, morals and general welfare of the people of the City; approving the Plan dated August 27, 2002, for the Area ("Plan"), incorporated herein by attached Exhibit "B", pursuant to Section 99.430; finding that there is a feasible financial plan for the development of the Area which affords maximum opportunity for development of the Area by private enterprise; finding that no property in the Area may be acquired by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") through the exercise of eminent domain; finding that the property within the Area is partly occupied and the Redeveloper shall be responsible for relocating any eligible occupants displaced as a result of implementation of the Plan; finding that financial aid may be necessary to enable the Area to be redeveloped in accordance with the Plan; finding that there shall be available ten (10) year real estate tax abatement; and pledging cooperation of the Board of Aldermen and requesting various officials, departments, boards and agencies of the City to cooperate and to exercise their respective powers in a manner consistent with the Plan.

**WHEREAS**, by reason of predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, there exist conditions which endanger life or property by fire or other causes and constitute an economic or social liability or a menace to the public health, safety, morals or welfare in the present condition and use of the Area, said Area being more fully described in Exhibit "A"; and

**WHEREAS**, such conditions are beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by ordinary private enterprise without the aids provided in the Statute; and

**WHEREAS**, there is a need for the LCRA, a public body corporate and politic created under Missouri law, to undertake the development of the above described Area as a land clearance project under said Statute, pursuant to plans by or presented to the LCRA under Section 99.430.1 (4); and

**WHEREAS**, the LCRA has recommended such a plan to the Planning Commission of the City of St. Louis ("Planning Commission") and to this St. Louis Board of Aldermen ("Board"), titled "Blighting Study and Plan for the 4052 & 4171-75 Castleman Avenue, 3911 & 4130 Shenandoah Avenue & 4203 Russell Boulevard Redevelopment Area", dated August 27, 2002, consisting of a Title Page, a Table of Contents Page, and twenty-five (25) numbered pages, attached hereto and incorporated herein as Exhibit "B" ("Plan"); and

**WHEREAS**, under the provisions of the Statute, and of the federal financial assistance statutes, it is required that this Board take such actions as may be required to approve the Plan; and

**WHEREAS**, it is desirable and in the public interest that a public body, the LCRA, undertake and administer the Plan in the Area; and

**WHEREAS**, the LCRA and the Planning Commission have made and presented to this Board the studies and statements required to be made and submitted by Section 99.430 and this Board has been fully apprised by the LCRA and Planning Commission of the facts and is fully aware of the conditions in the Area; and

**WHEREAS**, the Plan has been presented and recommended by LCRA and the Planning Commission to this Board for review and approval; and

**WHEREAS**, a general plan has been prepared and is recognized and used as a guide for the general development of the City and the Planning Commission has advised this Board that the Plan conforms to said general plan; and

**WHEREAS**, this Board has duly considered the reports, recommendations and certifications of the LCRA and the Planning Commission; and

**WHEREAS**, the Plan does prescribe land use and street and traffic patterns which may require, among other things, the vacation of public rights-of-way, the establishment of new street and sidewalk patterns or other public actions; and

**WHEREAS**, this Board is cognizant of the conditions which are imposed on the undertaking and carrying out of a redevelopment project, including those relating to prohibitions against discrimination because of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap; and

**WHEREAS**, in accordance with the requirements of Section 99.430 of the Statute, this Board advertised that a public hearing would be held by this Board on the Plan, and said hearing was held at the time and place designated in said advertising and all those who were interested in being heard were given a reasonable opportunity to express their views; and

**WHEREAS**, it is necessary that this Board take appropriate official action respecting the approval of the Plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** There exists within the City of St. Louis ("City") a blighted area, as defined by Section 99.320 of the Revised Statutes of Missouri, 1994, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive) described in Exhibit "A", attached hereto and incorporated herein, known as the 4052 & 4171-75 Castleman Avenue, 3911 & 4130 Shenandoah Avenue & 4203 Russell Boulevard Redevelopment Area ("Area").

**SECTION TWO.** The redevelopment of the above described Area, as provided by the Statute, is necessary and in the public interest, and is in the interest of the public health, safety, morals and general welfare of the people of the City.

**SECTION THREE.** The Area qualifies as a redevelopment area in need of redevelopment under the provision of the Statute, and the Area is blighted as defined in Section 99.320 of the Statute.

**SECTION FOUR.** The Blighting Study and Plan for the Area, dated August 27, 2002 ("Plan") having been duly reviewed and considered, is hereby approved and incorporated herein by reference, and the President or Clerk of this St. Louis Board of Aldermen ("Board") is hereby directed to file a copy of said Plan with the Minutes of this meeting.

**SECTION FIVE.** The Plan for the Area is feasible and conforms to the general plan for the City.

**SECTION SIX.** The financial aid provided and to be provided for financial assistance pertaining to the Area is necessary to enable the redevelopment activities to be undertaken in accordance with the Plan for the Area, and the proposed financing plan for the Area is feasible.

**SECTION SEVEN.** The Plan for the Area will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the Area by private enterprise, and private developments to be sought pursuant to the requirements of the Statute.

**SECTION EIGHT.** The Plan for the Area provides that the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") may acquire no property in the Area by the exercise of eminent domain.

**SECTION NINE.** The property within the Area is partly occupied. All eligible occupants displaced by the Redeveloper ("Redeveloper" being defined in Section Twelve, below) shall be given relocation assistance by the Redeveloper at its expense, in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

**SECTION TEN.** The Plan for the Area gives due consideration to the provision of adequate public facilities.

**SECTION ELEVEN.** In order to implement and facilitate the effectuation of the Plan hereby approved it is found and determined that certain official actions must be taken by this Board and accordingly this Board hereby:

- (a) Pledges its cooperation in helping to carry out the Plan;
- (b) Requests the various officials, departments, boards and agencies of the City, which have administrative responsibilities, likewise to cooperate to such end and to execute their respective functions and powers in a manner consistent with the Plan; and
- (c) Stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Plan.

**SECTION TWELVE.** All parties participating as owners or purchasers of property in the Area for redevelopment ("Redeveloper") shall agree for themselves and their heirs, successors and assigns that they shall not discriminate on the basis of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap in the sale, lease, or rental of any property or improvements erected or to be erected in the Area or any part thereof and those covenants shall run with the land, shall remain in effect without limitation of time, shall be made part of every contract for sale, lease, or rental of property to which Redeveloper is a party, and shall be enforceable by the LCRA, the City and the United States of America.

**SECTION THIRTEEN.** In all contracts with private and public parties for redevelopment of any portion of the Area, all Redevelopers shall agree:

- (a) To use the property in accordance with the provisions of the Plan, and be bound by the conditions and procedures set forth therein and in this Ordinance;
- (b) That in undertaking construction under the agreement with the LCRA and the Plan, bona fide Minority Business Enterprises ("MBE's") and Women's Business Enterprises ("WBE's") will be solicited and fairly considered for contracts, subcontracts and purchase orders;
- (c) To be bound by the conditions and procedures regarding the utilization of MBE's and WBE's established by the City;
- (d) To adhere to the requirements of the Executive Order of the Mayor of the City, dated

- (e) To comply with the requirements of Ordinance No. 60275 of the City;
- (f) To cooperate with those programs and methods supplied by the City with the purpose of accomplishing, pursuant to this paragraph, minority and women subcontractors and material supplier participation in the construction under this Agreement. The Redeveloper will report semi-annually during the construction period the results of its endeavors under this paragraph, to the Office of the Mayor and the President of this Board; and
- (g) That the language of this Section Thirteen shall be included in its general construction contract and other construction contracts let directly by Redeveloper.

The term MBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by minority group members who have at least fifty-one percent (51%) ownership. The minority group member(s) must have operational and management control, interest in capital and earnings commensurate with their percentage of ownership. The term Minority Group Member(s) shall mean persons legally residing in the United States who are Black, Hispanic, Native American (American Indian, Eskimo, Aleut or Native Hawaiian), Asian Pacific American (persons with origins from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, U.S. Trust Territory of the Pacific Islands, Laos, Cambodia or Taiwan) or Asian Indian American (persons with origins from India, Pakistan or Bangladesh). The term WBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by a woman or women who have at least fifty-one percent (51%) ownership. The woman or women must have operational and managerial control, interest in capital and earnings commensurate with their percentage of ownership. The term "Redeveloper" as used in this Section shall include its successors in interest and assigns.

**SECTION FOURTEEN.** The Redeveloper may seek ten (10) year tax abatement pursuant to Sections 99.700 - 99.715, Revised Statutes of Missouri, 1994, as amended, upon application as provided therein. Such real estate tax abatement shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District or any other similar local taxing district created in accordance with Missouri law, whether now existing or later created. In lieu of the ten (10) year abatement outlined above, a redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement, which shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other single local taxing district created in accordance with Missouri law, whether now existing or later created, for a total period of up to ten (10) years from the commencement of such tax abatement, in accordance with the following provisions of the Plan:

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for the first ten (10) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for the same ten (10) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. If property shall be tax-exempt because it is owned by the LCRA and leased to any such corporation, then such corporation for the first ten (10) years of such lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year preceding the calendar year during which such corporation shall lease such property.

All payments in lieu of taxes shall be a lien upon the property and, when paid to the Collector of Revenue of the City shall be distributed as all other property taxes. These partial tax relief and payment in lieu of taxes provisions, during up to said ten (10) year period, shall inure to the benefit of all successors in interest in the property of the redevelopment corporation, so long as such successors shall continue to use such property as provided in this Plan and in any contract with the LCRA. In no event shall such benefits extend beyond ten (10) years after the redevelopment corporation shall have acquired title to the property.

**SECTION FIFTEEN.** Any proposed modification which will substantially change the Plan must be approved by the St. Louis Board of Aldermen in the same manner as the Plan was first approved. Modifications which will substantially change the Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the Area, or to other items which alter the nature or intent of the Plan. The Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA, provided that such revisions shall be effective only upon the consent of the Planning Commission of the City. Changes which are not substantial are those that do not go to the crux of the Plan.

**SECTION SIXTEEN.** The sections of this Ordinance shall be severable. In the event that any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections of this Ordinance are valid, unless the court finds the valid sections of the Ordinance are so essential and inseparably connected with and dependent upon the void section that it cannot be presumed that this Board would have enacted the valid sections without the void ones, or unless the court finds that the valid sections standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

**EXHIBIT "A"**

**THE 4052 & 4171-75 CASTLEMAN AVENUE, 3911 & 4130 SHENANDOAH AVENUE & 4203 RUSSELL  
BOULEVARD AREA**

**LEGAL DESCRIPTIONS**



1. 4052 Castleman Avenue: CB 4942 Castleman 25 ft. by 114 ft. 4-3/4 in., Tyler Pl. Add'n., block 31, lot w – 11. **(4942-00-00040)**
2. 4171 Castleman Avenue: CB 4938 Castleman Avenue, 38.25 ft. by 114.40 ft. Tyler Pl. Add'n., lot pt. 18, bnd w 61 ft. 9 in. e el Klemm. **(4938-00-00460)**
3. 4175 Castleman Avenue: CB 4938 Castleman Avenue, 38 ft. 3 in. by 114 ft. 4-3/4 in., Tyler Pl. Add'n., block 33, lot e – 17 and w – 18. **(4938-00-00470)**
4. 3911 Shenandoah Avenue: CB 4917 Shenandoah, 50 ft. by 123 ft. 4-5/8 in., Tyler Pl. Add'n., block 22 lot 26. **(4917-00-00260)**
5. 4130 Shenandoah Avenue: CB 4926 Shenandoah, 25 ft. by 123 ft. 4-5/8 in., Tyler Pl. Add'n., block 39 lot e7. **(4926-00-00150)**
6. 4203 Russell Boulevard: CB 4936 Russell Boulevard, 25 ft. by 114 ft. 4-3/4 in., Tyler Pl. Add'n., block 47, lot w – 27. **(4936-00-00230)**

**EXHIBIT "B"**  
**Form: 8/20/02**

BLIGHTING STUDY AND PLAN  
 FOR  
**THE 4052 & 4171-75 CASTLEMAN AVENUE, 3911 & 4130 SHENANDOAH AVENUE & 4203 RUSSELL  
 BOULEVARD AREA**  
 PROJECT #9452  
 LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY  
 OF THE CITY OF ST. LOUIS  
 AUGUST 27, 2002

MAYOR  
 FRANCIS G. SLAY

**BLIGHTING STUDY AND PLAN FOR  
 THE 4052 & 4171-75 CASTLEMAN AVENUE, 3911 & 4130 SHENANDOAH AVENUE & 4203 RUSSELL  
 BOULEVARD AREA**

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## EXHIBITS

"A"	LEGAL DESCRIPTION
"B"	PROJECT AREA PLAN
"C"	PROPOSED LAND USE
"D"	ACQUISITION MAP
"E"	EQUAL OPPORTUNITY AND NON-DISCRIMINATION GUIDELINES

## **A. EXISTING CONDITIONS AND FINDINGS OF BLIGHT**

### **1. DELINEATION OF BOUNDARIES**

The 4052 & 4171-75 Castleman Avenue, 3911 & 4130 Shenandoah Avenue & 4203 Russell Boulevard Redevelopment Area ("Area") consists of six residential buildings on land totalling approximately .52 acre in the Shaw Neighborhood of the City of St. Louis ("City"). The two-family property at 4052 Castleman Avenue is in the block bounded by Lawrence Avenue on the east, Thurman Avenue on the west, Castleman Avenue on the north and Russell Boulevard on the south; the two four-family buildings at 4171-75 Castleman Avenue are in the block bounded by Klemm Street on the east, Tower Grove Avenue on the west, Shaw Boulevard on the north and Castleman Avenue on the south; the four-family building at 3911 Shenandoah Avenue is in the block bounded by 39th Street on the east, Lawrence Avenue on the west, Cleveland Avenue on the north and Shenandoah Avenue on the south; the two-family building at 4130 Shenandoah Avenue is in the block bounded by Thurman Avenue on the east, Klemm Street on the west, Shenandoah Avenue on the north and Botanical Avenue on the south; the two-family building at 4203 Russell Boulevard is the block bounded by Klemm Street on the east, Tower Grove Avenue on the west, Castleman Avenue on the north and Russell Boulevard on the south.

The legal description for the area is attached and labeled Exhibit "A". The boundaries of the Area are delineated on Exhibit "B" ("Project Area Plan").

### **2. GENERAL CONDITION OF THE AREA**

The Area comprises part of City Blocks 4936, 4926, 4917, 4938 and 4942 and is in poor condition. The physical conditions within the Area are shown on Exhibit "B" (Project Area Plan). For the purpose of this Plan, "Fair Condition" means (1) property that is generally structurally sound but suffers from inadequate maintenance and upkeep, or (2) vacant unimproved property that is under-utilized. "Poor Condition" means (1) buildings that are structurally unsound and/or substantially deteriorated, requiring major improvements such as new roofs, windows, systems, etc., in order to be used productively, or (2) property without buildings which is poorly maintained, has crumbling pavement, and/or is used for open storage.

Unemployment figures, computed by the Missouri State Employment Service, indicate a 8.6% unemployment rate for the City as of March, 2002. It is estimated that this rate is prevalent for residents of the neighborhoods surrounding the Area. There are currently no jobs within the Area.

### **3. PRESENT LAND USE OF THE AREA**

Existing land uses within the area include partly occupied multiple-family dwellings in poor condition.

The land use, including the location of public and private uses, streets and other rights-of-way is shown on Exhibit "B".

### **4. PRESENT LAND USE AND DENSITY OF SURROUNDING PROPERTIES**

The properties surrounding the Area are mostly residential. Residential density for the surrounding neighborhoods is approximately 21.59 persons per acre.

### **5. CURRENT ZONING**

The Area is zoned "B" Two-Family Dwelling District pursuant to the Zoning Code of the City, which is incorporated in this Plan by reference.

6. FINDING OF BLIGHT

The property within the Area is partly occupied and in poor condition (as defined in Section A(2) above). The existence of deteriorated property constitutes both an economic liability to the City of St. Louis and presents a hazard to the health and well-being of its citizens. These conditions, therefore, qualify the Area as blighted within the meaning of Section 99.300 et seq. of the Revised Statutes of Missouri (the Land Clearance for Redevelopment Authority Law).

**B. PROPOSED DEVELOPMENT AND REGULATIONS**

1. DEVELOPMENT OBJECTIVES

The primary objective of this Plan is to facilitate the rehabilitation of these deteriorated buildings for residential use.

2. PROPOSED LAND USE OF THE AREA

The proposed land uses for the Area are residential uses permitted in Areas designated "B" Two-Family Dwelling by the City of St. Louis Zoning Code. Redevelopers contracting with the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") to develop property in the Area (hereafter referred to as "Redeveloper") shall not be permitted to use said property for any use not allowed in the "B" Two-Family Dwelling District. Exhibit "C" (Proposed Land Use) shows the proposed uses for the Area.

3. PROPOSED ZONING

The zoning for the Area can remain "B" Two-Family Dwelling District. All land coverage and building intensities shall be governed thereby.

4. RELATIONSHIP TO LOCAL OBJECTIVES

The proposed land uses, zoning, public facilities and utility plans are appropriate and consistent with local objectives as defined by the General Plan of the City of St. Louis which includes the "Comprehensive City Plan" (1947), the "St. Louis Development Program" (1973), and the "Economic Development Strategy" (1978). Any specific proposal to the LCRA for development of the Area or any portion of the Area shall contain, among other things, adequate provisions for traffic, vehicular parking, safety from fire, adequate provisions for light and air, sound design and arrangement and improved employment opportunities.

5. PROPOSED EMPLOYMENT FOR THIS AREA

No permanent new jobs will be created if the Area is developed in accordance with this Plan.

6. CIRCULATION

The Proposed Land Use Plan (Exhibit "C") indicates the proposed circulation system for the Area. The layouts, levels and grades of all public rights-of-way may remain unchanged.

Rights-of-way changes will be subject to the review and approval of the City Department of Streets, and all vacations of rights-of-way are subject to approval by ordinance.

7. BUILDING AND SITE REGULATIONS

The Area shall be subject to all applicable federal, state and local laws, ordinances, regulations and codes, including but not limited to, the City Building Code, Zoning District Regulations, and stipulations of the Planning and Urban Design Agency ("PDA") of the City. The population densities, land coverage, and building intensities of redevelopment shall be governed by the Zoning Code. No changes in the building codes or ordinances are required.

8. URBAN DESIGN

**a. Urban Design Objectives**

The properties shall be rehabilitated so they are attractive residential structures within the surrounding neighborhood.

**b. Urban Design Regulations**

Rehabilitation of the existing structures shall respect the original exteriors in terms of design and materials. Window and door shapes and detailing shall be compatible with the original design of the buildings.

**c. Landscaping**

The properties shall be well landscaped. Perimeter street trees of a minimum caliper of 2-1/2 inches

and generally 30-35 feet on center, depending upon tree type, utilities, curb cuts, etc., shall be provided along all public or private streets - preferably in tree lawns along the curb. If necessary, sidewalks shall be notched to accommodate the trees. Ornamental or shade trees should be provided in the front lawns along with evergreen accent shrubs. Existing, non-scrub trees shall be retained.

**9. PARKING REGULATIONS**

Parking shall be provided in accordance with the applicable zoning and building code requirements of the City, including PDA standards. This will provide adequate vehicular parking for the Area.

When feasible, parking shall be limited to the rear of the property off the alley, and at least one space shall be provided for each residential unit. In addition, surface parking shall not extend beyond the established building line. Surface parking along public streets shall be buffered by a continuous evergreen hedge at least two and one-half (2-1/2) feet high on planting and maintained at three and one-half (3-1/2) feet high at maturity.

**10. SIGN REGULATIONS**

All new signs shall be limited as set out in the City Code, PDA stipulations, this Plan and contracts between the LCRA and the Redeveloper. All new signs shall be restricted to standard sale/lease signs.

**11. BUILDING, CONDITIONAL USE AND SIGN PERMITS**

No building, conditional use, or sign permits shall be issued by the City without the prior written approval of the LCRA.

**12. PUBLIC IMPROVEMENTS**

No additional schools, parks, recreational and community facilities or other public facilities will be required. Additional water, sewage or other public utilities may be required depending on development. The cost of such utility improvements will be borne by the Redeveloper.

If funds are available to the LCRA, it may provide public improvements including, but not limited to, measures for the control of traffic, improvements to street lighting, street trees, and any other improvements which may further the objectives of this Plan.

When developed in accordance with this Plan, the Area will comprise a coordinated, adjusted and harmonious development that promotes the health, safety, morals, order, convenience, prosperity, the general welfare, efficiency and economy of the City.

**C. PROPOSED SCHEDULE OF DEVELOPMENT**

The implementation of this Plan shall take place in a single phase initiated within approximately one (1) year of approval of this plan by ordinance and completed within approximately two (2) years of approval of this Plan by ordinance.

The LCRA may alter the above schedule as economic conditions warrant.

**D. EXECUTION OF PROJECT**

**1. ADMINISTRATION AND FINANCING**

The LCRA is empowered by Missouri law to administer development of all types pursuant to this Plan and can do so to the extent and in the manner prescribed by the Land Clearance for Redevelopment Authority Law of Missouri.

All costs associated with the development of the Area will be borne by the Redeveloper.

Implementation of this Plan may be financed by funds obtained from private and/or public sources, including, without limitation, revenue bonds, bank loans, and equity funds provided by the Redeveloper.

**2. PROPERTY ACQUISITION**

The Property Acquisition Map, Exhibit "D" attached, identifies all the property located in the Area. The LCRA may not acquire any property in the Area by the exercise of eminent domain.

**3. PROPERTY DISPOSITION**

If the LCRA acquires property in the Area, it may sell or lease the property to a Redeveloper who shall agree to develop such property in accordance with this Plan and the contract between such Redeveloper and the LCRA. Any property acquired by the LCRA and sold to a Redeveloper will be sold at not less than its fair value, taking into account and giving consideration to those factors enumerated in Section 99.450, R.S.Mo. (1994) as amended, for uses in accordance with this Plan.

**4. RELOCATION ASSISTANCE**

The property within the area is currently partly occupied. All eligible occupants displaced as a result of the implementation of the Plan shall be given relocation assistance in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

**E. COOPERATION OF THE CITY**

The City and its Board of Aldermen, by enacting an ordinance approving this Plan, pledges its cooperation to enable the project to be carried out in a timely manner and in accordance with this Plan.

**F. TAX ABATEMENT**

A Redeveloper may seek ten (10) year real estate tax abatement pursuant to Sections 99.700 -99.715, Revised Statutes of Missouri 1994, as amended, upon application as provided therein. Such real estate tax abatement shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other similar local taxing district created in accordance with Missouri law, whether now existing or later created

In lieu of the ten (10) year abatement outlined above, a Redeveloper which is an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement which shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other single local taxing district created in accordance with Missouri law, whether now existing or later created, for a total period of up to ten (10) years from the commencement of such tax abatement, in accordance with the following provisions of this Plan:

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for the first ten (10) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for the same ten (10) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. If property shall be tax-exempt because it is owned by the LCRA and leased to any such corporation, then such corporation for the first ten (10) years of such lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year preceding the calendar year during which such corporation shall lease such property.

All payments in lieu of taxes shall be a lien upon the property and, when paid to the Collector of Revenue of the City shall be distributed as all other property taxes. These partial tax relief and payment in lieu of taxes provisions, during up to said ten (10) year period, shall inure to the benefit of all successors in interest in the property of the redevelopment corporation, so long as such successors shall continue to use such property as provided in this Plan and in any contract with the LCRA. In no event shall such benefits extend beyond ten (10) years after the redevelopment corporation shall have acquired title to the property.

**G. COMPLIANCE WITH AFFIRMATIVE ACTION AND NONDISCRIMINATION LAWS AND REGULATIONS**

**1. LAND USE**

The Redeveloper shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the lease, sale or occupancy of the Area.

**2. CONSTRUCTION AND OPERATIONS**

A Redeveloper shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the construction and operation of any project in the Area and shall take such affirmative action as may be appropriate to afford opportunities to everyone in all activities of the project, including enforcement, contracting, operating and purchasing.

**3. LAWS AND REGULATIONS**

A Redeveloper shall comply with all applicable federal, state and local laws, ordinances, executive orders and regulations regarding nondiscrimination and affirmative action, including the "Equal Opportunity and Nondiscrimination Guidelines" in Exhibit "E", attached.

**4. ENFORCEMENT**

All of the provisions of this Section G shall be incorporated in a Contract between the LCRA and a Redeveloper, which agreement shall be recorded in the office of the Recorder of Deeds. The provisions of G (1) and G (3) shall be covenants running with the land, without limitation as to time, and the provisions of G (2) shall be for the duration of this Plan and any extension thereof. All of the provisions of Section G shall be enforceable against the Redeveloper, its heirs, successors or assigns, by the LCRA, the City, any state having jurisdiction or the United States of America.

**H. MODIFICATIONS OF THIS PLAN**

Any proposed modification which will substantially change this Plan shall be approved by the St. Louis Board of Aldermen in the same manner as this Plan was first approved. Modifications which will substantially change this Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the area, or other items which alter the nature or intent of this plan.

This Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA, provided that such revisions shall be effective only upon the consent of the Planning Commission of the City. Changes which are not substantial are those that do not go to the crux of this Plan.

**I. DURATION OF REGULATION AND CONTROLS**

The regulation and controls set forth in this Plan shall be in full force and effect for twenty-five years commencing with the effective date of approval of this Plan by ordinance, and for additional ten (10) year periods unless before the commencement of any such ten (10) year period the Board of Aldermen shall terminate this Plan as of the end of the term then in effect, except as provided in Section G (4) of this Plan.

**J. EXHIBITS**

All attached exhibits are hereby incorporated by reference into this Plan and made a part hereof.

**K. SEVERABILITY**

The elements of this Plan satisfy all requirements of state and local laws. Should any provisions of this Plan be held invalid by a final determination of a court of law, the remainder of the provisions hereof shall not be affected thereby, and shall remain in full force and effect.

**EXHIBIT "A"****THE 4052 & 4171-75 CASTLEMAN AVENUE, 3911 & 4130 SHENANDOAH AVENUE & 4203 RUSSELL BOULEVARD AREA****LEGAL DESCRIPTIONS**

1. 4052 Castleman Avenue: CB 4942 Castleman 25 ft. by 114 ft. 4-3/4 in., Tyler Pl. Add'n., block 31, lot w – 11. **(4942-00-00040)**
2. 4171 Castleman Avenue: CB 4938 Castleman Avenue, 38.25 ft. by 114.40 ft. Tyler Pl. Add'n., lot pt. 18, bnd w 61 ft. 9 in. e l Klemm. **(4938-00-00460)**
3. 4175 Castleman Avenue: CB 4938 Castleman Avenue, 38 ft. 3 in. by 114 ft. 4-3/4 in., Tyler Pl. Add'n., block 33, lot e – 17 and w – 18. **(4938-00-00470)**
4. 3911 Shenandoah Avenue: CB 4917 Shenandoah, 50 ft. by 123 ft. 4-5/8 in., Tyler Pl. Add'n., block 22 lot 26. **(4917-00-00260)**
5. 4130 Shenandoah Avenue: CB 4926 Shenandoah, 25 ft. by 123 ft. 4-5/8 in., Tyler Pl. Add'n., block 39 lot e7. **(4926-00-00150)**
6. 4203 Russell Boulevard: CB 4936 Russell Boulevard, 25 ft. by 114 ft. 4-3/4 in., Tyler Pl. Add'n., block 47, lot w – 27. **(4936-00-00230)**

See attached Exhibits B, C & D - City Block 4842

See attached Exhibits B, C & D - City Block 4917

See attached Exhibits B, C & D - City Block 4926

See attached Exhibits B, C & D - City Block 4936

See attached Exhibits B, C & D - City Block 4938

**EXHIBIT E  
FORM: 05/26/99****EQUAL OPPORTUNITY AND NONDISCRIMINATION GUIDELINES**

In any contract for work in connection with the redevelopment of any property in the Area, the Redeveloper (which term shall include Redeveloper, any designees, successors and assigns thereof, any entity formed to implement the project of which the Redeveloper is affiliated), its contractors and subcontractors shall comply with all federal, state and local laws, ordinances, or regulations governing equal opportunity and nondiscrimination (Laws). Moreover, the Redeveloper shall contractually require its contractors and subcontractors to comply with such laws.

The Redeveloper and its contractor will not contract or subcontract with any party known to have been found in violation of any such laws, ordinances, regulations or these guidelines.

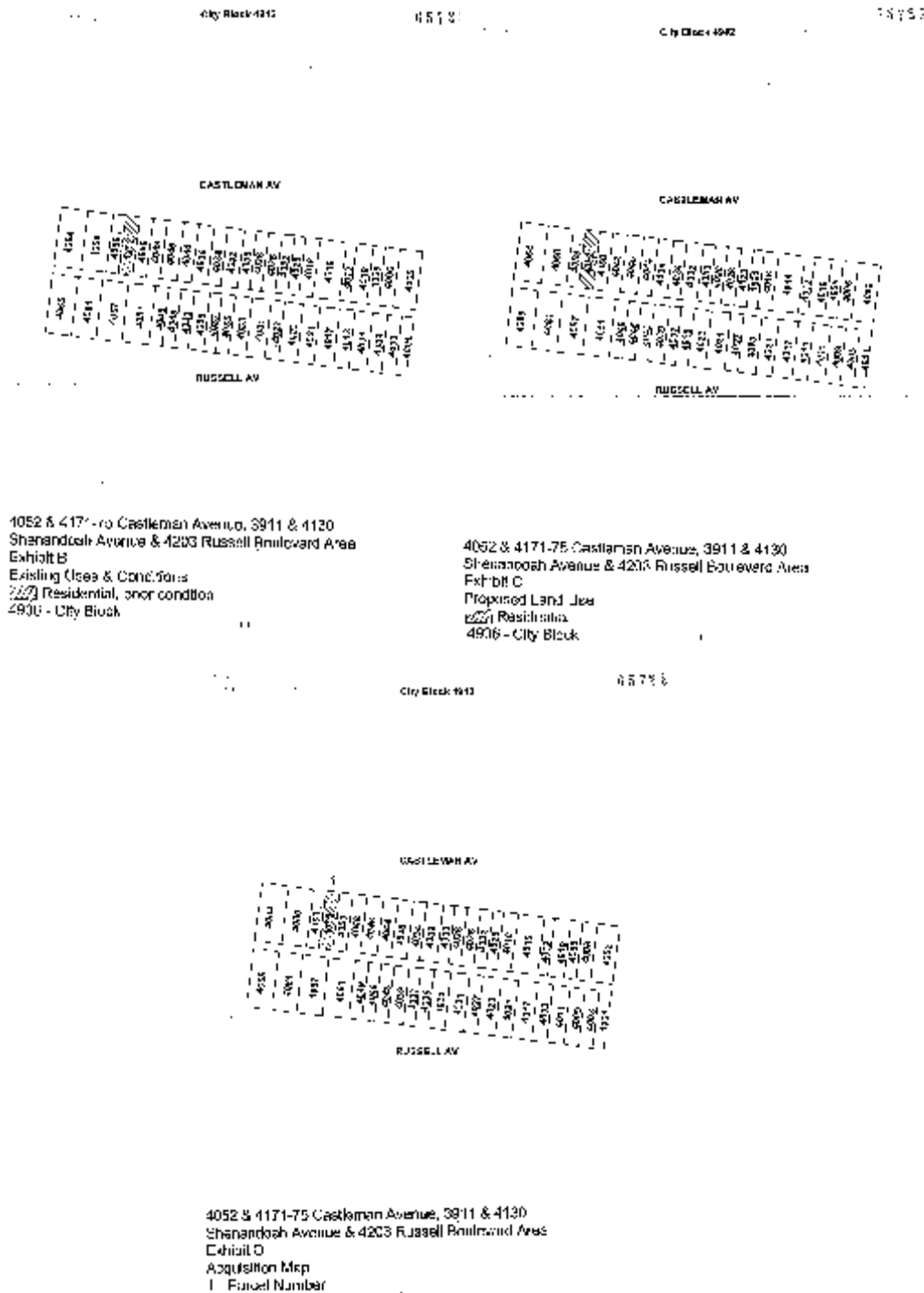
The Redeveloper shall fully comply with Executive Order #28 dated July 24, 1997 relating to minority and women-owned business participation in City contracts.

The Redeveloper agrees for itself and its successors and assigns, that there shall be covenants to ensure that there shall be no discrimination on the part of the Redeveloper, its successors or assigns upon the basis of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap in the sale, lease, rental use or occupancy of any property, or any improvements erected or to be erected in the Area or any part thereof, and those covenants shall run with the land and shall be enforceable by the LCRA, the City, and the United States of America, as their interests may appear in the project.

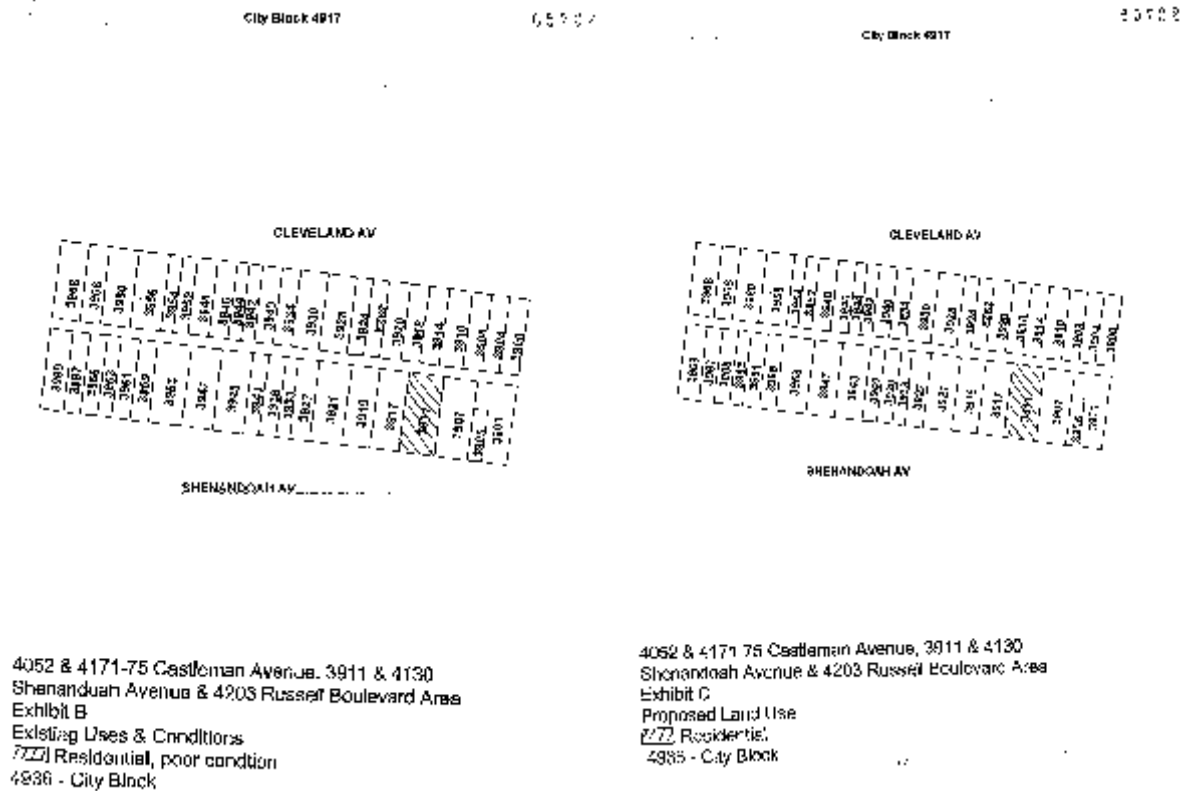
Redeveloper shall fully comply (and ensure compliance by "anchor tenants") with the provisions of St. Louis City Ordinance #60275 which is codified at Chapter 3.09 of the Revised Ordinances of the City of St. Louis.

Approved: December 10, 2002

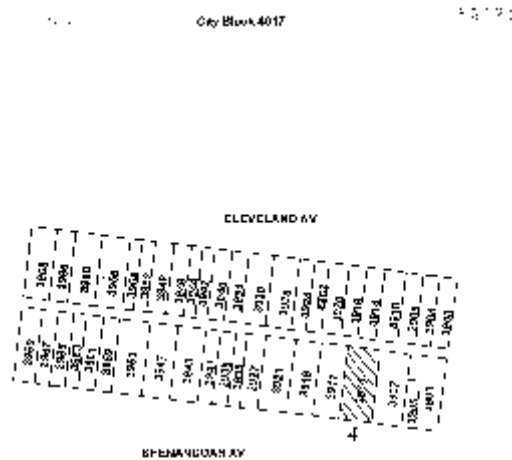
**ORDINANCE NO. 65722 - CITY BLOCK 4842 - EXHIBIT B, C & D**



## ORDINANCE NO. 65722 - CITY BLOCK 4917 - EXHIBIT B, C &amp; D



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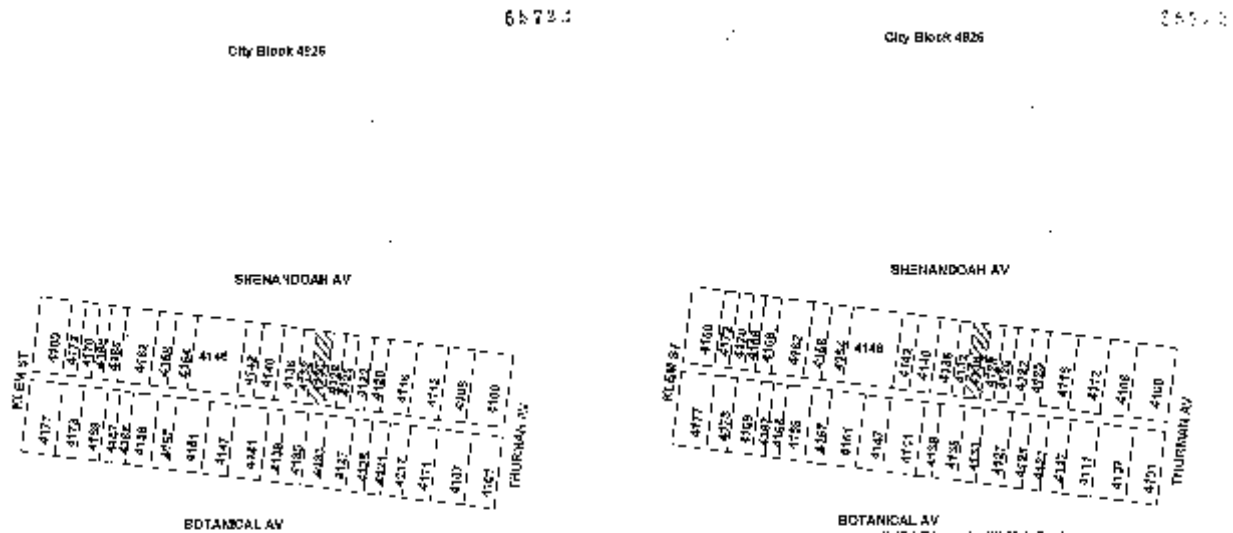


4052 & 4171-75 Castelman Avenue, 3911 & 4130  
Shenandoah Avenue & 4203 Russell Boulevard Area  
Exhibit D  
Acquisition Map  
1 - Parcel Number

17



## ORDINANCE NO. 65722 - CITY BLOCK 4926 - EXHIBIT B, C &amp; D

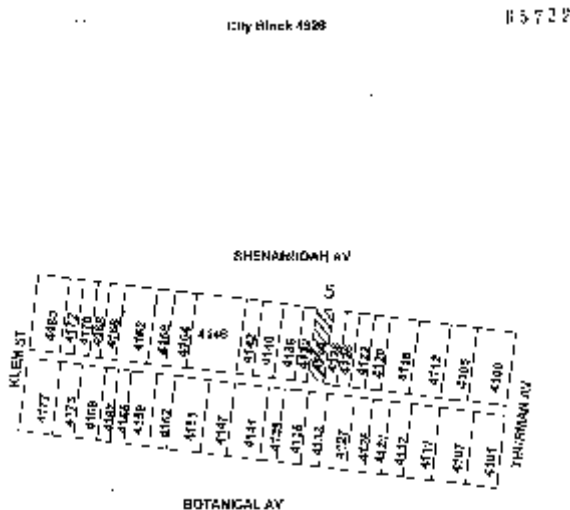


4052 & 4171-75 Castleman Avenue, 3911 & 4130  
Shenandoah Avenue & 4203 Russell Boulevard Area  
Exhibit B  
Existing Uses & Conditions  
ZZZ Residential, poor condition  
4936 - City Block

4052 & 4171-75 Castleman Avenue, 3911 & 4130  
Shenandoah Avenue & 4203 Russell Boulevard Area  
Exhibit C  
Proposed Land Use  
ZZZ Residential  
4936 - City Block

L2

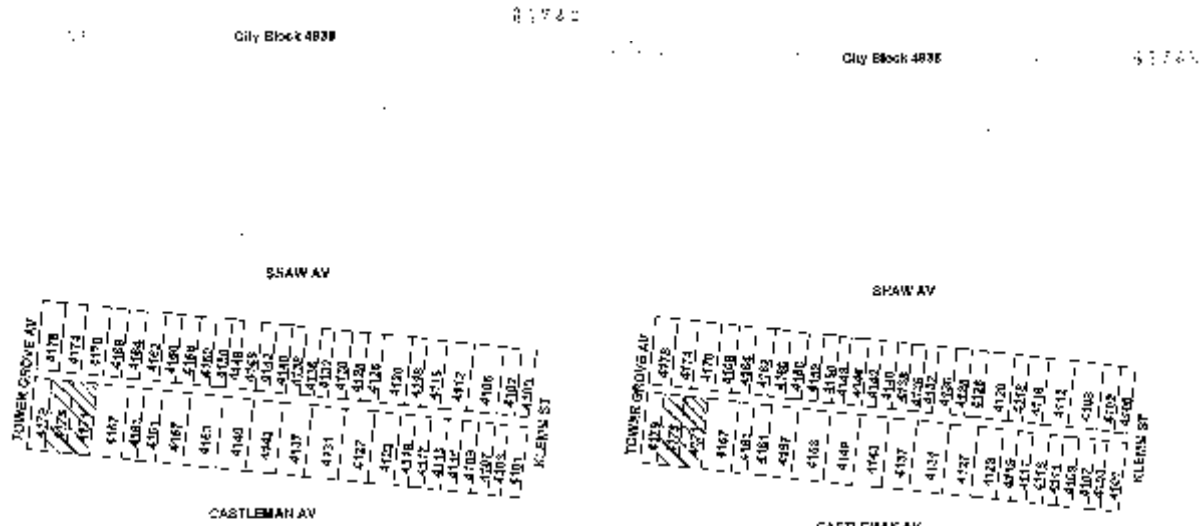
24




4052 & 4171-75 Castleman Avenue, 3911 & 4130  
Shenandoah Avenue & 4203 Russell Boulevard Area  
Exhibit D  
Acquisition Map  
1 - Parcel Number

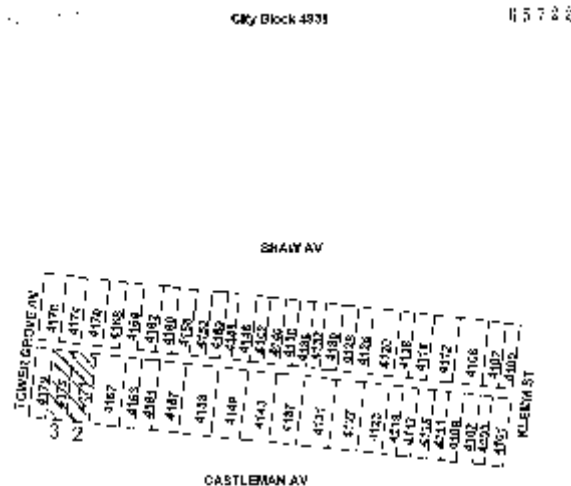


**ORDINANCE NO. 65722 - CITY BLOCK 4938 - EXHIBIT B, C & D**



4052 & 4171-75 Castieman Avenue, 3911 & 4130  
Shenandoah Avenue & 4203 Russell Boulevard Area  
Exhibit B  
Existing Uses & Conditions  
 Residential, poor condition  
4836 - City Block

4052 & 4171-75 Castleman Avenue, 3811 & 4130  
Shenandoah Avenue & 4203 Russell Boulevard Area  
Exhibit C  
Proposed Land Use  
ZZZ Residential  
4036 City Block



4052 & 4171-75 Castleman Avenue, 3911 & 4130  
Shenandoah Avenue & 4203 Russell Boulevard Area  
Exhibit D  
Acquisition Map  
1 - Parcel Number

**ORDINANCE #65723**  
**Board Bill No. 271**

An ordinance approving a Redevelopment Plan for the JVL Renaissance II Area ("Area") after finding that the Area is blighted as defined in Section 99.320 of the Revised Statutes of Missouri, 1994, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive), containing a description of the boundaries of said Area in the City of St. Louis ("City"), attached hereto and incorporated herein as Exhibit "A", finding that redevelopment and rehabilitation of the Area is in the interest of the public health, safety, morals and general welfare of the people of the City; approving the Plan dated September 24, 2002 for the Area ("Plan"), incorporated herein by attached Exhibit "B", pursuant to Section 99.430; finding that there is a feasible financial plan for the development of the Area which affords maximum opportunity for development of the Area by private enterprise; finding that no property in the Area may be acquired by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") through the existence of eminent domain; finding that the property within the Area is partially occupied, the Redeveloper shall be responsible for relocating any eligible occupants displaced as a result of implementation of the Plan; finding that there shall be available ten (10) year real estate tax abatement; and pledging cooperation of the Board of Aldermen and requesting various officials, departments, boards and agencies of the city to cooperate and to exercise their respective powers in a manner consistent with the Plan.

**WHEREAS**, by reason of predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, there exist conditions which endanger life or property by fire or other causes and constitute an economic or social liability or a menace to the public health, safety, morals or welfare in the present condition and use of the Area, said Area being more fully described in Exhibit "A"; and

**WHEREAS**, such conditions are beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by ordinary private enterprise without the aids provided in the Statute; and

**WHEREAS**, there is a need for the LCRA, a public body corporate and politic created under Missouri law, to undertake the development of the above described Area as a land clearance project under said Statute, pursuant to plans by or presented to the LCRA under Section 99.430.1 (4); and

**WHEREAS**, the LCRA has recommended such a plan to the Planning Commission of the city of St. Louis: "Planning Commission") and to this St. Louis Board of Aldermen ("Board"), titled "Blighting Study and Plan for JVL Renaissance II Area, dated September 24, 2002, consisting of a Title Page, a Table of Contents Page, and twenty (20) numbered pages, attached hereto and incorporated herein as Exhibit "B" ("Plan"); and

**WHEREAS**, under the provisions of the Statute, and of the federal financial assistance statutes, it is required that this Board take such actions as may be required to approve the Plan; and

**WHEREAS**, it is desirable and in the public interest that a public body, the LCRA, undertake and administer the Plan in the Area; and

**WHEREAS**, the LCRA and the Planning Commission have made and presented to this Board the studies and statements required to be made and submitted by Section 99.430 and this Board has been fully apprised by the LCRA and the Planning Commission of the facts and is fully aware of the conditions in the Area; and

**WHEREAS**, the Plan has been presented and recommended by LCRA and the Planning Commission to this Board for review and approval; and

**WHEREAS**, a general plan has been prepared and is recognized and used as a guide for the general development of the City and the Planning Commission has advised this Board that the Plan conforms to said general plan; and

**WHEREAS**, this Board has duly considered the reports, recommendations and certifications of the LCRA and the Planning Commission; and

**WHEREAS**, the Plan does prescribe land use and street and traffic patterns which may require, among other things, the vacation of public rights-of-way, the establishment of new street and sidewalk patterns or other public actions; and

**WHEREAS**, this Board is cognizant of the conditions which are imposed on the undertaking and carrying out of a redevelopment project, including those relating to prohibitions against discrimination because of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap; and

**WHEREAS**, in accordance with the requirements of Section 99.430 of this Statute, this Board advertised that a public hearing would be held by this Board on the Plan, and said hearing was held at the time and place designated in said advertising all those who were interested in being heard were given a reasonable opportunity to express their views; and

**WHEREAS**, it is necessary that this Board take appropriate official action respecting the approval of the Plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** There exists within the City of St. Louis ("City") a blighted area, as defined by Section 99.320 of the Revised Statutes of Missouri, 1994, as amended, (the "Statute" being Section 99.300 to 99.715 inclusive, as amended) described in Exhibit "A", attached hereto and incorporated herein, known as JVL Renaissance II Area.

**SECTION TWO.** The redevelopment of the above described Area, as provided by the Statute, is necessary and in the

public interest, and is in the interest of the public health, safety, morals and general welfare of the people of the City.

**SECTION THREE.** The Area qualifies as a redevelopment area in need of redevelopment under the provision of the Statute, and the Area is blighted as defined in Section 99.320 of the Statute.

**SECTION FOUR.** The Blighting Study and Plan for the Area, dated September 24, 2002 ("Plan") having been duly reviewed and considered, is hereby approved and incorporated herein by reference, and the President or Clerk of this St. Louis Board of Aldermen ("Board") is hereby directed to file a copy of said Plan with the Minutes of this meeting.

**SECTION FIVE.** The Plan for the Area is feasible and conforms to the general plan for the City.

**SECTION SIX.** The financial aid provided and to be provided for financial assistance pertaining to the Area is necessary to enable the redevelopment activities to be undertaken in accordance with the Plan for the Area, and the proposed financing plan for the Area is feasible.

**SECTION SEVEN.** The Plan for the Area will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the Area by private enterprise, and private developments to be sought pursuant to the requirements of the Statute.

**SECTION EIGHT.** The Plan for the Area provides that the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") may not acquire any property in the Area by the exercise of eminent domain.

**SECTION NINE.** The property within the Area is partially occupied. If it should become occupied all eligible occupants displaced by the Redeveloper ("Redeveloper" being defined in Section Twelve, below) shall be given relocation assistance by the Redeveloper at its expense, in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

**SECTION TEN.** The Plan for the Area gives due consideration to the provision of adequate public facilities.

**SECTION ELEVEN.** In order to implement and facilitate the effectuation of the Plan hereby approved it is found and determined that certain official actions must be taken by this board and accordingly this Board hereby:

- (a) Pledges its cooperation in helping to carry out the Plan;
- (b) Requests the various officials, departments, boards and agencies of the City, which have administrative responsibilities, likewise to cooperate to such end and to execute their respective functions and powers in a manner consistent with the Plan; and
- (c) Stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Plan.

**SECTION TWELVE.** All parties participating as owners or purchasers of property in the Area for redevelopment ("Redeveloper") shall agree for themselves and their heirs, successors and assigns that they shall not discriminate on the basis of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap in the sale, lease, or rental of any property or improvements erected or to be erected in the Area of any part thereof and those covenants shall run with the land, shall remain in effect without limitation of time, shall be made part of every contract for sale, lease, or rental of property to which Redeveloper is a party, and shall be enforceable by the LCRA, the City and the United States of America.

**SECTION THIRTEEN.** In all contracts with private and public parties for redevelopment of any portion of the Area, all Redevelopers shall agree:

- (a) To use the property in accordance with the provisions of the Plan, and be bound by the conditions and procedures set forth there in and in this Ordinance;
- (b) That in undertaking construction under the agreement with the LCRA and the Plan, bona fide Minority Business Enterprises ("MBE's") and Women's Business Enterprises ("WBE's") will be solicited and fairly considered for contracts, subcontracts and purchase orders;
- (c) To be bound by the conditions and procedures regarding the utilization of MBEs and WBEs established by the City;
- (d) To adhere to the requirements of the Executive Order of the Mayor of the city, dated July 24, 1997.
- (e) To comply with the requirements of Ordinance No. 60275 of the City;
- (f) To cooperate with those programs and methods supplied by the City with the purpose of accomplishing, pursuant to this paragraph, minority and women subcontractors and material supplier participation in the construction under this Agreement. The Redeveloper will report semi-annually during the construction period the results of its endeavors under this paragraph, to the Office of the Mayor and the President of this Board; and
- (g) That the language of this Section Thirteen shall be included in its general construction contract and other construction contracts let directly by Redeveloper.

The term MBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by minority group members who have at least fifty-one percent (51%) ownership. The minority group member(s)

must have operational and management control, interest in capital and earnings commensurate with their percentage of ownership. The term Minority Group Member(s) shall mean persons legally residing in the United States who are Black, Hispanic, Native American (American Indian, Eskimo, Aleut or Native Hawaiian), Asian Pacific American (persons with origins from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, U.S. Trust Territory of the Pacific Islands, Laos, Cambodia or Taiwan) or Asian Indian American (persons with origins from India, Pakistan or Bangladesh). The term WBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by a woman or women who have at least fifty-one (51%) ownership. The woman or women must have operational and managerial control, interest in capital and earnings commensurate with their percentage of ownership.

The term "Redeveloper" as used in this Section shall include its successors in interest and assigns.

**SECTION FOURTEEN.** A Redeveloper may seek ten-(10) year real estate tax abatement pursuant to Sections 99.700 – 99.715, Revised Statutes of Missouri 1994, as amended, upon applications as provided therein. Such real estate tax abatement shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other similar local taxing district created in accordance with Missouri law, whether now existing or later created:

In lieu of the ten (10) year abatement outlined above, a Redeveloper which is an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement, which shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other single local taxing district created in accordance with Missouri law, whether now existing or later created, for a total period of up to twenty-five (25) years from the commencement of such tax abatement, in accordance with the following provisions of this Plan.

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for the first ten (10) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for the same ten (10) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. If property shall be tax-exempt because it is owned by the LCRA and leased to any such corporation, then such corporation for the first ten (10) years of such lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year preceding the calendar year during which such corporation shall lease such property.

All payments in lieu of taxes shall be a lien upon the property and, when paid to the Collector of Revenue of the City shall be distributed as all other property taxes. These partial tax relief and payment in lieu of taxes provisions, during up to said ten (10) year period, shall inure to the benefit of all successors in interest in the property of the redevelopment corporation, so long as such successors shall continue to use such property as provided in this Plan and in any contract with the LCRA. In no event shall such benefits extend beyond ten (10) years after the redevelopment corporation shall have acquired title to the property.

**SECTION FIFTEEN.** Any proposed modification, which will substantially change the Plan, must be approved by the St. Louis Board of Aldermen in the same manner as the Plan was first approved. Modifications which will substantially change the Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the Area, or to other items which alter the nature or intent of the Plan. The Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA, provided that such revisions shall be effective only upon the consent of the Planning Commission of the City. Changes which are not substantial are those that do not go to the crux of the Plan.

**SECTION SIXTEEN.** The sections of this Ordinance shall be severable. In the event that any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections of this Ordinance are valid, unless the court finds the valid sections of the Ordinance are so essential and inseparably connected with and dependent upon the void section that it cannot be presumed that this Board would have enacted the valid sections without the void ones, or unless the court finds that the valid sections standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

## EXHIBIT "A"

### THE JVL RENAISSANCE II AREA LEGAL DESCRIPTION

**PARCELS 1:** All of Lot 20 and the Western 12.50 feet of Lot 21, in Block 7 of **STODDARD'S ADDITION**, and in Block 972 of the City of St. Louis, Missouri, described as follows: Beginning at the point of intersection of the southern line of Thomas Street, 60 feet wide, with the Western line of said Lot 20; thence Eastwardly 37.50 feet along the southern line of Thomas Street to a line distant 12.50 feet East of and parallel with the Western line of said Lot 21, measured at right angles thereto; thence Southwardly 118.25 feet along said line parallel with the Western line of said Lot 21 to the Northern line of an East and West alley, 15 feet wide, in said Block; thence Westwardly 37.50 feet along the Northern line of said alley to the Western line of said Lot 20 to the southern line of Thomas Street and the point of beginning, according to a survey by Pitzman's Co. of Surveyors & Engineers, on February 21, 1975.

0972-00-00700  
2610-12 Thomas Street

**PARCELS 3, 4, 5, 6, & 24:** Part of Lot 18 and all of Lots 19 to 22 inclusive, in Block 34 of **STODDARD'S ADDITION**, and in Block 999 of the City of St. Louis, Missouri, described as follows: Beginning at the point of intersection of the southern line of Gamble Street, 60 feet wide, with the Eastern line of property described as Parcel No. 8 in deed to Lee Jackson, recorded in Book

365M, Page 1022, City of St. Louis Recorder's Office; thence Eastwardly 109.73 feet along the southern line of Gamble Street to the Eastern line of said Lot 22; thence Southwardly 118.25 feet along the Eastern line of said Lot 22 to the Northern line of an East and West alley, 15 feet wide, in said Block; thence Westwardly 109.28 feet along the Northwardly 71.00 feet along the Eastern line of said Jackson property to an offset therein; thence Westwardly 0.56 feet along said offset; thence Northwardly 47.25 feet along the Eastern line of said Jackson property to the southern line of said Gamble Street and the point of beginning, according to a survey by Pitzman's Co. of Surveyors & Engineers, on February 21, 1975.

0999-00-00200  
2834 Gamble Street

**PARCELS 7 & 8:** All of Lots 13 to 17 inclusive, in Block 35 of **STODDARD'S ADDITION**, and in Block 1000 of the City of St. Louis, Missouri, described as follows: beginning at the point of intersection of the Northern line of Gamble Street, 60 feet wide, with the Eastern line of said Lot 13; thence Westwardly 130.74 feet along the Northern line of Gamble Street to the Eastern line of Glasgow Avenue, 60 feet wide; thence Northwardly 118.25 feet along the Eastern line of Glasgow Avenue to the southern line of an East and West alley, 15 feet wide, in said Block; thence Eastwardly 130.69 feet along the Southern line of said alley to the Eastern line of said Lot 13; thence Southwardly 118.25 feet along the Eastern line of said Lot 13 to the Northern line of said Gamble Street and the point of beginning, according to a survey by Pitzman's Co. of Surveyors & Engineers, on February 21, 1975.

1000-00-02600  
2831 Gamble Street

**PARCEL 9:** Lot 41 in Block 41 of **STODDARD'S ADDITION** and in Block 1006 of the City of St. Louis, fronting 25 feet on the South line of Dickson Street, by a depth Southwardly of 118 feet 3 inches to an alley.

1006-00-01400  
2918 James Cool Papa Bell Ave.

**PARCELS 10, 11 & 23:** All of Lots 26 and 27, and the Western 17.00 feet of Lot 28, in Block 36 of **STODDARD'S ADDITION**, and in Block 1001 of the City of St. Louis, Missouri, described as follows: Beginning at the point of intersection of the Southern line of Dickson Street, 60 feet wide, with the Western line of said Lot 26; thence Eastwardly 67.00 feet along the Southern line of Dickson Street to a line distant 17.00 feet East of and parallel with the Western line of said Lot 28, measured at right angles thereto; thence Southwardly 118.25 feet along said line parallel with the Western line of said Lot 28 to the Northern line of an East and West alley, 15 feet wide, in said Block; thence Westwardly 57.00 feet along in Northern line of said alley to the Western line of said Lot 26; thence Northwardly 118.25 feet along the Western line of said Lot 26 to the Southern line of Dickson Street and the point of beginning, according to a survey by Pitzman's Co. of Surveyors & Engineers, on February 21, 1975.

**PARCEL 12:** The Southern 85.00 feet of Lots 1 to 5 inclusive of **FLORENCE ADDITION**, and in Block 1004 of the City of St. Louis, Missouri, described as follows: Beginning at the point of intersection of the Eastern line of Garrison Avenue, 60 feet wide, with the Northern line of the East and West alley, 17.50 feet wide, in said Block; thence Northwardly 85.00 feet along the Eastern line of Garrison Avenue to the southern line of property described in deed to the Yeatman Redevelopment Corporation, recorded in Book 8855, Page 453, City of St. Louis Recorder's Office, thence Eastwardly 113.62 feet along the Southern line of said Yeatman property to its Southeastern corner in the Eastern line of said Lot 5; thence Southwardly 85.00 feet along the Eastern line of said Lot 5 to its Southeastern corner in the Northern line of said alley; thence Westwardly 113.50 feet along the Northern line of said alley to the Eastern line of Garrison Avenue and the point of beginning, according to survey by Pitzman's Co. of Surveyors & Engineers, on February 21, 1975.

1004-00-04300  
1344 Garrison Ave.

**PARCEL 13:** All of Lot 1, in Block 40 of **STODDARD'S ADDITION**, and in Block 1005 of the City of St. Louis, Missouri, described as follows: Beginning at the point of intersection of the Northern line of Dickson Street, 60 feet wide, with the Western line of Glasgow Avenue, 60 feet wide; thence Westwardly 29.25 feet along the Northern line of Dickson Street to the Western line of said Lot 1; thence Northwardly 118.25 feet along the Western line of said Lot 1 to the Southern line of an East and West alley, 15 feet wide, in said Block; thence Eastwardly 29.05 feet along the southern line of said alley to the Western line of Glasgow Avenue; thence Southwardly 118.25 feet along the Western line of Glasgow Avenue to the Northern line of Dickson Street and the point of beginning, according to a survey by Pitzman's Co. of Surveyors & Engineers, on February 21, 1975.

1005-00-02400  
2901 James Cool Papa Bell Avenue

**PARCELS 14 & 22:** All of Lots 3 and 4 in Block of **STODDARD'S ADDITION**, and in Block 1005 of the City of St. Louis, Missouri, described as follows: Beginning at the point of intersection of the Northern line of Dickson Street, 60 feet wide, with the Eastern line of said Lot 3 thence Westwardly 50.00 feet along the Northern line of Dickson Street to the Western line of said Lot 4 thence Northwardly 118.25 feet along the Western line of said Lot 4 to the Southern line of an East and West alley, 15 feet wide, in said Block thence Eastwardly 50.00 feet along the Southern line of said alley to the Eastern line of said Lot 3 thence Southwardly 118.25 feet along the Eastern line of said Lot 3 to the Northern line of Dickson Street and the point of beginning, according to a survey by Pitzman's Co. of Surveyors & Engineers, on February 21, 1975.

1005-00-02600  
2905 James Cool Papa Bell Ave.

**PARCEL 15:** All of Lot 42, in Block 41 of **STODDARD'S ADDITION**, and in Block 1006 of the City of St. Louis, Missouri described as follows: Beginning at the point of intersection of the Southern line of Dickson Street, 60 feet wide, with the Western

line of said Lot 42 thence Eastwardly 25.00 feet along the Southern line of Dickson Street to the Eastern line of said Lot 42 thence Southwardly 118.5 feet along the Eastern line of Lot 42 to the Northern line of an East and West alley, 15 feet wide, in said Block thence Westwardly 25.00 feet along the Northern line of said alley to the Western line of said Lot 42 thence Northwardly 118.25 feet along the Western line of Lot 42 to the Southern line of Dickson Street and the point of beginning, according to a survey by Pitzman's Co. of Surveyors & Engineers, on February 21, 1975.

1006-00-01500  
2916 James Cool Papa Bell Ave.

**PARCEL 16:** All of Lots 38, 39 and 40 in Block 41 of **STODDARD'S ADDITION**, and in Block 1006 of the City of St. Louis, Missouri, described as follows: Beginning at the point of intersection of the Southern line of Dickson Street, 60 feet wide, with the Western line of said Lot 38 thence Eastwardly 75.00 feet along the Southern line of Dickson Street to the Eastern line of said Lot 40 thence Southwardly 118.25 feet along the Eastern line of Lot 40 to the Northern line of an East and West alley, 15 feet wide, in said Block; thence Westwardly 75.00 feet along the Northern line of an East and West alley, 15 feet wide, in said Block; thence Westwardly 75.00 feet along the Northern line of said alley to the Western line of said Lot 38 thence Northwardly 118.25 feet along the Western line of Lot 38 to the Southern line of Dickson Street and the point of beginning, according to a survey by Pitzman's Co. of Surveyors & Engineers, on February 21, 1975.

1006-00-01300  
2920 James Cool Papa Bell Ave.

**PARCEL 17:** All of Lot 35, in Block 41 of **STODDARD'S ADDITION** and in Block 1006 of the City of St. Louis, Missouri, described as follows: Beginning at the Point of intersection of the Southern line of Dickson Street, 60 feet wide, with the Western line of said Lot 35 thence Eastwardly 25.00 feet along the Southern line of Dickson Street to the Eastern line of said Lot 35 thence Southwardly 118.25 feet along the Eastern line of Lot 35 to the Northern line of an East and West alley, 15 feet wide, in said Block; thence Westwardly 25.00 feet along the Northern line of said alley to the Western line of said Lot 35 thence Northwardly 118.25 feet along the Western line of Lot 35 to the Southern line of Dickson Street and the point of beginning, according to a survey by Pitzman's Co. of Surveyors & Engineers, on February 21, 1975.

1006-00-01000  
2932 James Cool Papa Bell Ave.

**PARCELS 18 & 19:** The Eastern part of Lot 25, all of Lot 26, and the Western part of Lot 27, in Block 41 of **STODDARD'S ADDITION**, and in Block 1006 of the City of St. Louis, Missouri, described as follows: Beginning at a point in the Southern line of Dickson Street, 60 feet wide, distant 25.00 feet East of the Eastern line of Garrison Avenue, 60 feet wide; thence Eastwardly 50.00 feet along the Southern line of Dickson Street; thence Southwardly 118.25 feet East and West alley, 15 feet wide, in said Block; thence Westwardly 50.00 feet along the Northern line of said alley to a point distant 25.00 feet East of its intersection with the Eastern line of said Garrison Avenue; thence Northwardly 118.25 feet along a line parallel with the Eastern line of Garrison Avenue to the Southern line of Dickson Street and the point of beginning, according to a survey by Pitzman's Co. of Surveyors & Engineers, on February 21, 1975.

100-00-00300  
2952 James Cool Papa Bell Ave.

1006-00-00200  
2954 James Cool Papa Bell Ave.

**PARCEL 20:** A parcel of ground in Block 1848 of the City of St. Louis, Missouri, described as follows: Beginning at a point in the Western line of Leffingwell Avenue 60 feet wide, distant 70.00 feet South of its intersection with the Southern line of Magazine Street, 60 feet wide; thence Southwardly 26.00 feet along the Western line of Leffingwell Avenue; thence Westwardly 135.84 feet along a line parallel with the Southern line of Magazine Street; thence Northwardly 26.00 feet along a line parallel with the Western line of Leffingwell Avenue; thence Eastwardly 135.84 feet along a line parallel with the Southern line of Magazine Street to the Western line of Leffingwell Avenue and the point of beginning, according to a survey by Pitzman's Co. of Surveyors & Engineers, on February 21, 1975.

1848-00-00400  
1721 N. Leffingwell Ave.

**PARCEL 21:** The Northern 72.67 feet of Lots 18, 19 and 20 of the **EASTON SUBDIVISION**, and in Block 1985 of the City of St. Louis, Missouri, described as follows: Beginning at the point of intersection of the Western line of Webster Avenue, 60 feet wide, with the Southern line of Evans Avenue, 60 feet wide; thence Southwardly 72.67 feet along the Western line of Webster Avenue; thence Westwardly 89.34 feet along a line parallel with the Southern line of said Evans Avenue to the Western line of said Lot 18; thence Northwardly 72.67 feet along the Western line of Lot 18 to the Southern line of said Evans Avenue; thence Eastwardly 89.09 feet along the Southern line of Evans Avenue to the Western line of said Webster Avenue and the point of beginning, according to a survey by Pitzman's Co. of Surveyors & Engineers, on February 21, 1974.

1885-00-01700  
3100 Evans Ave.

**PARCEL 22:** Lot 23 in Block 10 of **STODDARD'S ADDITION** and in Block 975 of the City of St. Louis, fronting 25 feet on the South line of Thomas Street, by a depth Southwardly of 118 feet 3 inches to an alley.

0975-00-00400



2724 Thomas Street

**PARCEL 23:** The Western 10 feet of Lot 3 and the Eastern 15 feet of Lot 4 in Block 13 of **STODDARD'S ADDITION** and in Block 978 of the City of St. Louis, fronting 25 feet on the North line of Stoddard Street, by a depth Northwardly of 118 feet 3 inches to an alley.

0978-00-02000  
2709 Stoddard Street

**PARCEL 24:** Lots 15, 16, and 17 in Block 14 of **STODDARD'S ADDITION** and in Block 979 of the City of St. Louis, together fronting 80 feet on the North line of Mills Street by a depth Northwardly of 118 feet 3 inches, more or less, to an alley, bounded on the West by Leffingwell Avenue.

0979-00-03000  
2737 Mills Avenue

**PARCEL 25:** Lot 23 in Block 15 of **STODDARD'S ADDITION** and in Block 980-N of the City of St. Louis, together fronting 55 feet on the North line of Stoddard Street by a depth Northwardly of 118 feet 3 inches to an alley, bounded East by Leffingwell Avenue.

0999-00-01800  
2801 Stoddard Street

**PARCEL 26:** The East 22 feet of Lot 6, all of Lot 5 and the West 5.16 feet of Lot 4 in Block 36 of **STODDARD'S ADDITION** and in Block 1001 of the City of St. Louis, fronting 52.16 feet on the North line of Dayton Street, by a depth Northwardly of 118 feet 3 inches to an alley.

1001-00-01850  
2809 Dayton Street

**PARCEL 27:** The North 110 feet of Lot 1, 2 and 3 in Block 2 of North **STODDARD'S ADDITION** and in Block 1003 of the City of St. Louis, fronting 110 feet on the East line of Glasgow by a depth Eastwardly of 84 feet 5 inches to the West line of Lot 4; bounded North by Sheridan Avenue and South by a line 30 feet North of an alley.

1009-00-03300  
1350 Glasgow Avenue

**PARCEL 28:** Lot 10 and the Western 10 feet of Lot 9 in Block 38 of **STODDARD'S ADDITION** and in Block 1003 of the City of St. Louis, fronting 35 feet on the North line of Thomas Street by a depth Northwardly of 118 feet 3 inches to an alley.

1003-00-02300  
2823 Thomas St.

**PARCEL 29:** Lot 11 in Block 2 of North **STODDARD'S ADDITION** and in Block 1003 of the City of St. Louis, fronting 25 feet on the South line of Sheridan Avenue by a depth Southwardly of 140 feet to an alley.

1009-00-00700  
2814 Sheridan Avenue

**PARCEL 30:** The Northern 96 feet 6 inches of Lot 2 in Block 1 of North **STODDARD'S ADDITION** and in Block 1004 of the City of St. Louis, fronting 32 feet more or less, on the South line of Sheridan Avenue by a depth Southwardly of 95 feet 6 inches, to the rear of said parcel, having a width thereon of 32 feet 2 inches, more or less, bounded East by Glasgow Avenue.

1004-00-01750  
2900 Sheridan St.

**PARCEL 31:** The Eastern 12 feet 6 inches, more or less, of Lot 6 in Block 39 of **STODDARD'S ADDITION** and in Block 1004 of the City of St. Louis, fronting 12 feet 6 inches, more or less, on the North line of Thomas Street, by a depth Northwardly of 118 feet 3 inches, more or less, to an alley bounded East by the East line of Lot 6 West by the center line of the partition wall between houses 2913-15 Thomas Street and its prolongation.

1004-00-02400  
2913 Thomas St.

**PARCEL 32:** Lot 15 in Block 39 of **STODDARD'S ADDITION** and in Block 1004 of the City of St. Louis, fronting 25 feet on the North line of Thomas Street, by a depth Northwardly of 118 feet 3 inches to an alley.

1004-00-03100  
2937 Thomas Street

**PARCEL 33:** The Eastern 27.8 feet of Lot 1 of **KNOX & PICOT'S SUBDIVISION** and in Block 1844 of the City of St. Louis, fronting 27.8 feet on the South line of Howard Street by a depth Southwardly of 112.71 feet on the East line and 113.54 feet on the West line to the South line of said lot.

1844-00-00870  
2700 Howard

**PARCEL 34:** The North 94 feet of Lot 1 and the Western 20 feet of Lot 2 in Block 10 of North **STODDARD'S ADDITION** and in Block 1947 of the City of St. Louis, together fronting 55 feet on the South line of Madison Street by a depth Southwardly of 94 feet to the rear of said parcel, bounded West by Glasgow Avenue.

1947-00-00100  
1622 Glasgow Ave.

**PARCEL 35:** Lot 3 and the Eastern 5 feet of Lot 2 in Block 13 of North **STODDARD'S ADDITION** and in Block 1848 of the City of St. Louis, together fronting 30 feet on the North line of Madison Street by a depth Northwardly of 120 feet to an alley.

1848-00-02500  
2835 Madison Street

**PARCEL 36:** Lot 7 and the West 14 feet 8 inches of Lot 8 in Block 2 of **Daniel D. Page's Third Western Addition** and in Block 1866 of the City of St. Louis, together fronting 39 feet 8 inches on the South line of Cozens Avenue by a depth Southwardly of 113 feet 6 inches to an alley.

1866-00-00600  
3732 Cozens Ave.

**PARCEL 37:** Lots 18, 19, 20 and 21 in Block 6 of **Penrose Addition** and in Block 1897 of the City of St. Louis, together fronting 118 feet 8 inches on the East line of Glasgow Avenue by a depth Eastwardly of 128 feet 5 inches to an alley; bounded South by Montgomery Street.

1897-00-00100  
2700 Glasgow Ave.

**EXHIBIT "B"**  
**Form: 08/23/02**

BLIGHTING STUDY AND PLAN  
FOR THE  
**JVL RENAISSANCE II AREA**  
PROJECT #9454  
LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY  
OF THE CITY OF ST. LOUIS  
September 24, 2002

MAYOR  
FRANCIS G. SLAY

**BLIGHTING STUDY AND PLAN FOR  
JVL RENAISSANCE II AREA**

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#### A. EXISTING CONDITIONS AND FINDINGS OF BLIGHT

##### 1. DELINEATION OF BOUNDARIES

The JVL Renaissance II Area ("Area") encompasses 8.1 acres in the Jeff Vander Lou neighborhood of the City of St. Louis ("City"), and is bounded by St. Louis Avenue to the north, Grand Boulevard to the west, Mills Street to the south, and Elliot Avenue to the east.

The legal description of the Area is attached and labeled Exhibit "A". The boundaries of the Area are delineated on Exhibit "B" ("Project Area Plan").

##### 2. GENERAL CONDITION OF THE AREA

The Area comprises one parcel in each of City Blocks 972, 975, 1001, 1004, 1848, 1844, 1847, 1985, 978, 979, and 1897; two parcels in City Blocks 999, 1005, and eight parcels in City Block 1006, and is in poor condition. The physical conditions within the Area are shown on Exhibit "B" (Project Area Plan). For the purpose of this Plan, "Fair Condition" means (1) property that is generally structurally sound but suffers from inadequate maintenance and upkeep, or (2) vacant unimproved property that is under-utilized. "Poor Condition" means (1) buildings that are structurally unsound and/or substantially deteriorated, requiring major improvements such as new roofs, windows, systems, etc., in order to be used productively, or (2) property without buildings which is poorly maintained, has crumbling pavement, and/or is used for open storage.

Unemployment figures, computed by the Missouri State Employment Service, indicate a 10.0% unemployment rate for the City as of June 2002. It is estimated that this rate is prevalent for residents of the neighborhoods surrounding the Area.

There are currently no jobs within the Area.

##### 3. PRESENT LAND USE OF THE AREA

Existing land uses within the Area include thirty-two multi-family residential buildings. Forty of the units are occupied. The land use, including the location of public and private uses, streets and other rights-of-way is shown on Exhibit "B".

##### 4. PRESENT LAND USE AND DENSITY OF SURROUNDING PROPERTIES

The properties surrounding the Area are primarily used for residential. Residential density for the surrounding neighborhoods is approximately 8.10 persons per acre.

5. CURRENT ZONING

The Area is zoned "C" Multi-Family Dwelling District pursuant to the Zoning Code of the City, which is incorporated in this Plan by reference.

6. FINDING OF BLIGHT

The property within the Area is partially occupied and in poor condition (as defined in Section A (2) above). The existence of deteriorated property constitutes both an economic liability to the City of St. Louis and presents a hazard to the health and well-being of its citizens. These conditions, therefore, qualify the Area as blighted within the meaning of Section 99.300 et seq. of the Revised Statutes of Missouri (the Land Clearance for Redevelopment Authority Law).

**B. PROPOSED DEVELOPMENT AND REGULATIONS**

1. DEVELOPMENT OBJECTIVES

The primary objective of this Plan is to facilitate the development of the Area into productive residential uses.

2. PROPOSED LAND USE OF THE AREA

The proposed land uses for the Area are commercial uses permitted in Areas designated "C" Multi-Family Dwelling District by the City of St. Louis Zoning Code. Redevelopers authorized by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") to develop property in the Area (hereafter referred to as "Redeveloper") shall be permitted to use said property only the above proposed uses.

Exhibit "C" (Proposed Land Use) shows the proposed uses for the Area.

3. PROPOSED ZONING

The zoning for the Area can remain "C" Multi-Family Dwelling District. All land coverage and building intensities shall be governed thereby.

4. RELATIONSHIP TO LOCAL OBJECTIVES

The proposed land uses, zoning, public facilities and utility plans are appropriate and consistent with local objectives as defined by the General Plan of the City of St. Louis which includes the "Comprehensive City Plan" (1947), the "St. Louis Development Program" (1973), and the "Economic Development Strategy" (1978). Any specific proposal to the LCRA for development of the Area or any portion of the Area shall contain, among other things, adequate provisions for traffic, vehicular parking, safety from fire, adequate provisions for light and air, sound design and arrangement and improved employment opportunities.

5. PROPOSED EMPLOYMENT FOR THIS AREA

No new jobs will be created in this Area because the proposed development is residential.

6. CIRCULATION

The Proposed Land Use Plan (Exhibit "C") indicates the proposed circulation system for the Area. The layouts, levels and grades of all public rights-of-way may remain unchanged.

Rights-of-way changes will be subject to the review and approval of the City Department of Streets, and all vacations of rights-of-way are subject to approval by ordinance.

7. BUILDING AND SITE REGULATIONS

The Area shall be subject to all applicable federal, state and local laws, ordinances, regulations and codes, including but not limited to, the City Building Code, Zoning District Regulations, and stipulations of the Planning and Urban Design Agency ("PDA") of the City. The population densities, land coverage, and building intensities of redevelopment shall be governed by the Zoning Code. No changes in the building codes or ordinances are required.

Each Redeveloper shall develop the Area in accordance with this Plan and the Redevelopment Agreement, and shall maintain all structures, equipment, paved areas, and landscaped areas controlled by the Redeveloper in good and safe order both inside and outside, structurally and otherwise, including necessary and proper painting. Failure to meet this requirement may result in suspension of tax abatement.

8. URBAN DESIGN

a. **Urban Design Objectives**

The properties shall be developed so they are attractive residential assets to the surrounding neighborhood.

**b. Urban Design Regulations**

Rehabilitation shall respect the original exterior in terms of design and materials. Window and door shapes and detailing shall be compatible with the original design.

New construction shall be compatible in design with the surrounding neighborhood, if any, in terms of scale, materials, set back, profile and site layout.

**c. Landscaping**

The property shall be well landscaped. Perimeter street trees of a minimum caliper of 2-1/2 inches and generally 30-35 feet on center, depending upon tree type, utilities, curb cuts, etc., shall be provided along all public or private streets preferably in tree lawns along the curb. If necessary, sidewalks shall be notched to accommodate the trees.

Ornamental or shade trees should be provided in the front lawns along with evergreen accent shrubs.

Existing, healthy trees shall be retained, if feasible.

**9. PARKING REGULATIONS**

Parking shall be provided in accordance with the applicable zoning and building code requirements of the City, including PDA standards. This will provide adequate vehicular parking for the Area.

Where feasible, parking shall be limited to the rear of the property off the alley, and at least one space shall be provided for each residential unit. In addition, surface parking shall not extend beyond the established building line. Surface parking along public streets shall be buffered by a continuous evergreen hedge at least two and one-half (2-1/2) feet high on planting and maintained at three and one-half (3-1/2) feet high at maturity.

**10. SIGN REGULATIONS**

All new signs shall be limited as set out in the City Code, PDA stipulations, this Plan and contracts between the LCRA and the Redeveloper. All new signs shall be restricted to standard sale/lease signs.

**11. BUILDING, CONDITIONAL USE AND SIGN PERMITS**

No building, conditional use, or sign permits shall be issued by the City without the prior written approval of the LCRA.

**12. PUBLIC IMPROVEMENTS**

No additional schools, parks, recreational and community facilities or other public facilities will be required. Additional water, sewage or other public utilities may be required depending on development. The cost of such utility improvements will be borne by the Redeveloper.

If funds are available to the LCRA, it may provide public improvements including, but not limited to, measures for the control of traffic, improvements to street lighting, street trees, and any other improvements which may further the objectives of this Plan.

When developed in accordance with this Plan, the Area will comprise a coordinated, adjusted and harmonious development that promotes the health, safety, morals, order, convenience, prosperity, the general welfare, efficiency and economy of the City.

**C. PROPOSED SCHEDULE OF DEVELOPMENT**

The implementation of this Plan shall take place in a single phase initiated within approximately one (1) year of approval of this Plan by ordinance and completed within approximately two (2) years of approval of this Plan by ordinance.

The LCRA may alter the above schedule as economic conditions warrant.

**D. EXECUTION OF PROJECT**

**1. ADMINISTRATION AND FINANCING**

The LCRA is empowered by Missouri law to administer development of all types pursuant to this Plan and can do so to the extent and in the manner prescribed by the Land Clearance for Redevelopment Authority Law of Missouri.

All costs associated with the development of the Area will be borne by the Redeveloper.

Implementation of this Plan may be financed by funds obtained from private and/or public sources, including, without limitation, revenue bonds, bank loans, and equity funds provided by the Redeveloper.

2. PROPERTY ACQUISITION

The Property Acquisition Map, Exhibit "D" attached, identifies all the property located in the Area. The LCRA may not acquire any property in the Area by the exercise of eminent domain.

3. PROPERTY DISPOSITION

If the LCRA acquires property in the Area, it may sell or lease the property to a Redeveloper who shall agree to develop such property in accordance with this Plan and the contract between such Redeveloper and the LCRA. Any property acquired by the LCRA and sold to a Redeveloper will be sold at not less than its fair value, taking into account and giving consideration to those factors enumerated in Section 99.450, R.S.Mo. (1994) as amended, for uses in accordance with this Plan.

4. RELOCATION ASSISTANCE

The property within the Area is currently partially occupied. All eligible occupants displaced as a result of the implementation of the Plan shall be given relocation assistance in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

**E. COOPERATION OF THE CITY**

The City and its Board of Aldermen, by enacting an ordinance approving this Plan, pledges its cooperation to enable the project to be carried out in a timely manner and in accordance with this Plan.

**F. TAX ABATEMENT**

A Redeveloper may seek ten (10) year real estate tax abatement pursuant to Sections 99.700 - 99.715, Revised Statutes of Missouri, 1994, as amended, upon application as provided therein. Such real estate tax abatement shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District or any other similar local taxing district created:

In lieu of the ten (10) year abatement outlined above, a Redeveloper which is an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement, which shall not include any Special Business District, neighborhood improvement District, Commercial Improvement District, or any other single local taxing district created in accordance with Missouri law, whether now existing or later created, for a total period of up to (10) years from the commencement of such tax abatement, in accordance with the following provisions of this plan:

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for the first ten (10) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for the same ten (10) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. If property shall be tax-exempt because it is owned by the LCRA and leased to any such corporation, then such corporation for the first ten (10) years of such lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year preceding the calendar year during which such corporation shall lease such property.

All payments in lieu of taxes shall be a lien upon the property and, when paid to the Collector of Revenue of the City shall be distributed as all other property taxes. These partial tax relief and payment in lieu of taxes provisions, during up to said ten (10) year period, shall inure to the benefit of all successors in interest in the property of the redevelopment corporation, so long as such successors shall continue to use such property as provided in this Plan and in any contract with the LCRA. In no event shall such benefits extend beyond ten (10) years after the redevelopment corporation shall have acquired title to the property.

**G. COMPLIANCE WITH AFFIRMATIVE ACTION AND NONDISCRIMINATION LAWS AND REGULATIONS**

1. LAND USE

The Redeveloper shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the lease, sale or occupancy of the Area.

2. CONSTRUCTION AND OPERATIONS

A Redeveloper shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the construction and operation of any project in the Area and shall take such affirmative action as may be appropriate to afford opportunities to everyone in all activities of the project,

including enforcement, contracting, operating and purchasing.

3. **LAWS AND REGULATIONS**

A Redeveloper shall comply with all applicable federal, state and local laws, ordinances, executive orders and regulations regarding nondiscrimination and affirmative action, including the City Guidelines for Maximum Utilization of Minority Enterprises dated January 1, 1981, as may be amended, and the "Equal Opportunity and Nondiscrimination Guidelines" in Exhibit "E", attached.

4. **ENFORCEMENT**

All of the provisions of this Section G shall be incorporated in a Contract between the LCRA and a Redeveloper, which agreement shall be recorded in the office of the Recorder of Deeds. The provisions of G (1) and G (3) shall be covenants running with the land, without limitation as to time, and the provisions of G (2) shall be for the duration of this Plan and any extension thereof.

All of the provisions of Section G shall be enforceable against the Redeveloper, its heirs, successors or assigns, by the LCRA, the City, any state having jurisdiction or the United States of America.

**H. MODIFICATIONS OF THIS PLAN**

Any proposed modification, which will substantially change this Plan, shall be approved by the St. Louis Board of Aldermen in the same manner as this Plan was first approved. Modifications which will substantially change this Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the Area, or other items which alter the nature or intent of this Plan.

This Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA, provided that such revisions shall be effective only upon the consent of the Planning Commission of the City. Changes which are not substantial are those that do not go to the crux of this Plan.

**I. DURATION OF REGULATION AND CONTROLS**

The regulation and controls set forth in this Plan shall be in full force and effect for twenty-five years commencing with the effective date of approval of this Plan by ordinance, and for additional ten (10) year periods unless before the commencement of any such ten (10) year period the Board of Aldermen shall terminate this Plan as of the end of the term then in effect, except as provided in Section G (4) of this Plan.

**J. EXHIBITS**

All attached exhibits are hereby incorporated by reference into this Plan and made a part hereof.

**K. SEVERABILITY**

The elements of this Plan satisfy all requirements of state and local laws. Should any provisions of this Plan be held invalid by a final determination of a court of law, the remainder of the provisions hereof shall not be affected thereby, and shall remain in full force and effect.

**EXHIBIT "A"**

**THE JVL RENAISSANCE II AREA  
LEGAL DESCRIPTION**

**PARCELS 1:** All of Lot 20 and the Western 12.50 feet of Lot 21, in Block 7 of **STODDARD'S ADDITION**, and in Block 972 of the City of St. Louis, Missouri, described as follows: Beginning at the point of intersection of the southern line of Thomas Street, 60 feet wide, with the Western line of said Lot 20; thence Eastwardly 37.50 feet along the southern line of Thomas Street to a line distant 12.50 feet East of and parallel with the Western line of said Lot 21, measured at right angles thereto; thence Southwardly 118.25 feet along said line parallel with the Western line of said Lot 21 to the Northern line of an East and West alley, 15 feet wide, in said Block; thence Westwardly 37.50 feet along the Northern line of said alley to the Western line of said Lot 20 to the southern line of Thomas Street and the point of beginning, according to a survey by Pitzman's Co. of Surveyors & Engineers, on February 21, 1975.

0972-00-00700  
2610-12 Thomas Street

**PARCELS 3, 4, 5, 6, & 24:** Part of Lot 18 and all of Lots 19 to 22 inclusive, in Block 34 of **STODDARD'S ADDITION**, and in Block 999 of the City of St. Louis, Missouri, described as follows: Beginning at the point of intersection of the southern line of Gamble Street, 60 feet wide, with the Eastern line of property described as Parcel No. 8 in deed to Lee Jackson, recorded in Book 365M, Page 1022, City of St. Louis Recorder's Office; thence Eastwardly 109.73 feet along the southern line of Gamble Street to the Eastern line of said Lot 22; thence Southwardly 118.25 feet along the Eastern line of said Lot 22 to the Northern line of an East and West alley, 15 feet wide, in said Block; thence Westwardly 109.28 feet along the Northwardly 71.00 feet along the Eastern line of said Jackson property to an offset therein; thence Westwardly 0.56 feet along said offset; thence Northwardly 47.25 feet along the Eastern line of said Jackson property to the southern line of said Gamble Street and the point of beginning, according to a survey by Pitzman's Co. of Surveyors & Engineers, on February 21, 1975.

0999-00-00200  
2834 Gamble Street

**PARCELS 7 & 8:** All of Lots 13 to 17 inclusive, in Block 35 of **STODDARD'S ADDITION**, and in Block 1000 of the City of St. Louis, Missouri, described as follows: beginning at the point of intersection of the Northern line of Gamble Street, 60 feet wide, with the Eastern line of said Lot 13; thence Westwardly 130.74 feet along the Northern line of Gamble Street to the Eastern line of Glasgow Avenue, 60 feet wide; thence Northwardly 118.25 feet along the Eastern line of Glasgow Avenue to the southern line of an East and West alley, 15 feet wide, in said Block; thence Eastwardly 130.69 feet along the Southern line of said alley to the Eastern line of said Lot 13; thence Southwardly 118.25 feet along the Eastern line of said Lot 13 to the Northern line of said Gamble Street and the point of beginning, according to a survey by Pitzman's Co. of Surveyors & Engineers, on February 21, 1975.

1000-00-02600  
2831 Gamble Street

**PARCEL 9:** Lot 41 in Block 41 of **STODDARD'S ADDITION** and in Block 1006 of the City of St. Louis, fronting 25 feet on the South line of Dickson Street, by a depth Southwardly of 118 feet 3 inches to an alley.

1006-00-01400  
2918 James Cool Papa Bell Ave.

**PARCELS 10, 11 & 23:** All of Lots 26 and 27, and the Western 17.00 feet of Lot 28, in Block 36 of **STODDARD'S ADDITION**, and in Block 1001 of the City of St. Louis, Missouri, described as follows: Beginning at the point of intersection of the Southern line of Dickson Street, 60 feet wide, with the Western line of said Lot 26; thence Eastwardly 67.00 feet along the Southern line of Dickson Street to a line distant 17.00 feet East of and parallel with the Western line of said Lot 28, measured at right angles thereto; thence Southwardly 118.25 feet along said line parallel with the Western line of said Lot 28 to the Northern line of an East and West alley, 15 feet wide, in said Block; thence Westwardly 57.00 feet along in Northern line of said alley to the Western line of said Lot 26; thence Northwardly 118.25 feet along the Western line of said Lot 26 to the Southern line of Dickson Street and the point of beginning, according to a survey by Pitzman's Co. of Surveyors & Engineers, on February 21, 1975.

**PARCEL 12:** The Southern 85.00 feet of Lots 1 to 5 inclusive of **FLORENCE ADDITION**, and in Block 1004 of the City of St. Louis, Missouri, described as follows: Beginning at the point of intersection of the Eastern line of Garrison Avenue, 60 feet wide, with the Northern line of the East and West alley, 17.50 feet wide, in said Block; thence Northwardly 85.00 feet along the Eastern line of Garrison Avenue to the southern line of property described in deed to the Yeatman Redevelopment Corporation, recorded in Book 8855, Page 453, City of St. Louis Recorder's Office, thence Eastwardly 113.62 feet along the Southern line of said Yeatman property to its Southeastern corner in the Eastern line of said Lot 5; thence Southwardly 85.00 feet along the Eastern line of said Lot 5 to its Southeastern corner in the Northern line of said alley; thence Westwardly 113.50 feet along the Northern line of said alley to the Eastern line of Garrison Avenue and the point of beginning, according to survey by Pitzman's Co. of Surveyors & Engineers, on February 21, 1975.

1004-00-04300  
1344 Garrison Ave.

**PARCEL 13:** All of Lot 1, in Block 40 of **STODDARD'S ADDITION**, and in Block 1005 of the City of St. Louis, Missouri, described as follows: Beginning at the point of intersection of the Northern line of Dickson Street, 60 feet wide, with the Western line of Glasgow Avenue, 60 feet wide; thence Westwardly 29.25 feet along the Northern line of Dickson Street to the Western line of said Lot 1; thence Northwardly 118.25 feet along the Western line of said Lot 1 to the Southern line of an East and West alley, 15 feet wide, in said Block; thence Eastwardly 29.05 feet along the southern line of said alley to the Western line of Glasgow Avenue; thence Southwardly 118.25 feet along the Western line of Glasgow Avenue to the Northern line of Dickson Street and the point of beginning, according to a survey by Pitzman's Co. of Surveyors & Engineers, on February 21, 1975.

1005-00-02400  
2901 James Cool Papa Bell Avenue

**PARCELS 14 & 22:** All of Lots 3 and 4 in Block of **STODDARD'S ADDITION**, and in Block 1005 of the City of St. Louis, Missouri, described as follows: Beginning at the point of intersection of the Northern line of Dickson Street, 60 feet wide, with the Eastern line of said Lot 3 thence Westwardly 50.00 feet along the Northern line of Dickson Street to the Western line of said Lot 4 thence Northwardly 118.25 feet along the Western line of said Lot 4 to the Southern line of an East and West alley, 15 feet wide, in said Block thence Eastwardly 50.00 feet along the Southern line of said alley to the Eastern line of said Lot 3 thence Southwardly 118.25 feet along the Eastern line of said Lot 3 to the Northern line of Dickson Street and the point of beginning, according to a survey by Pitzman's Co. of Surveyors & Engineers, on February 21, 1975.

1005-00-02600  
2905 James Cool Papa Bell Ave.

**PARCEL 15:** All of Lot 42, in Block 41 of **STODDARD'S ADDITION**, and in Block 1006 of the City of St. Louis, Missouri described as follows: Beginning at the point of intersection of the Southern line of Dickson Street, 60 feet wide, with the Western line of said Lot 42 thence Eastwardly 25.00 feet along the Southern line of Dickson Street to the Eastern line of said Lot 42 thence Southwardly 118.5 feet along the Eastern line of Lot 42 to the Northern line of an East and West alley, 15 feet wide, in said Block thence Westwardly 25.00 feet along the Northern line of said alley to the Western line of said Lot 42 thence Northwardly 118.25 feet along the Western line of Lot 42 to the Southern line of Dickson Street and the point of beginning, according to a survey by Pitzman's Co. of Surveyors & Engineers, on February 21, 1975.

1006-00-01500



2916 James Cool Papa Bell Ave.

**PARCEL 16:** All of Lots 38, 39 and 40 in Block 41 of **STODDARD'S ADDITION**, and in Block 1006 of the City of St. Louis, Missouri, described as follows: Beginning at the point of intersection of the Southern line of Dickson Street, 60 feet wide, with the Western line of said Lot 38 thence Eastwardly 75.00 feet along the Southern line of Dickson Street to the Eastern line of said Lot 40 thence Southwardly 118.25 feet along the Eastern line of Lot 40 to the Northern line of an East and West alley, 15 feet wide, in said Block; thence Westwardly 75.00 feet along the Northern line of an East and West alley, 15 feet wide, in said Block; thence Westwardly 75.00 feet along the Northern line of said alley to the Western line of said Lot 38 thence Northwardly 118.25 feet along the Western line of Lot 38 to the Southern line of Dickson Street and the point of beginning, according to a survey by Pitzman's Co. of Surveyors & Engineers, on February 21, 1975.

1006-00-01300

2920 James Cool Papa Bell Ave.

**PARCEL 17:** All of Lot 35, in Block 41 of **STODDARD'S ADDITION** and in Block 1006 of the City of St. Louis, Missouri, described as follows: Beginning at the Point of intersection of the Southern line of Dickson Street, 60 feet wide, with the Western line of said Lot 35 thence Eastwardly 25.00 feet along the Southern line of Dickson Street to the Eastern line of said Lot 35 thence Southwardly 118.25 feet along the Eastern line of Lot 35 to the Northern line of an East and West alley, 15 feet wide, in said Block; thence Westwardly 25.00 feet along the Northern line of said alley to the Western line of said Lot 35 thence Northwardly 118.25 feet along the Western line of Lot 35 to the Southern line of Dickson Street and the point of beginning, according to a survey by Pitzman's Co. of Surveyors & Engineers, on February 21, 1975.

1006-00-01000

2932 James Cool Papa Bell Ave.

**PARCELS 18 & 19:** The Eastern part of Lot 25, all of Lot 26, and the Western part of Lot 27, in Block 41 of **STODDARD'S ADDITION**, and in Block 1006 of the City of St. Louis, Missouri, described as follows: Beginning at a point in the Southern line of Dickson Street, 60 feet wide, distant 25.00 feet East of the Eastern line of Garrison Avenue, 60 feet wide; thence Eastwardly 50.00 feet along the Southern line of Dickson Street; thence Southwardly 118.25 feet along the Eastern line of an East and West alley, 15 feet wide, in said Block; thence Westwardly 50.00 feet along the Northern line of said alley to a point distant 25.00 feet East of its intersection with the Eastern line of said Garrison Avenue; thence Northwardly 118.25 feet along a line parallel with the Eastern line of Garrison Avenue to the Southern line of Dickson Street and the point of beginning, according to a survey by Pitzman's Co. of Surveyors & Engineers, on February 21, 1975.

100-00-00300

2952 James Cool Papa Bell Ave.

1006-00-00200

2954 James Cool Papa Bell Ave.

**PARCEL 20:** A parcel of ground in Block 1848 of the City of St. Louis, Missouri, described as follows: Beginning at a point in the Western line of Leffingwell Avenue 60 feet wide, distant 70.00 feet South of its intersection with the Southern line of Magazine Street, 60 feet wide; thence Southwardly 26.00 feet along the Western line of Leffingwell Avenue; thence Westwardly 135.84 feet along a line parallel with the Southern line of Magazine Street; thence Northwardly 26.00 feet along a line parallel with the Western line of Leffingwell Avenue; thence Eastwardly 135.84 feet along a line parallel with the Southern line of Magazine Street to the Western line of Leffingwell Avenue and the point of beginning, according to a survey by Pitzman's Co. of Surveyors & Engineers, on February 21, 1975.

1848-00-00400

1721 N. Leffingwell Ave.

**PARCEL 21:** The Northern 72.67 feet of Lots 18, 19 and 20 of the **EASTON SUBDIVISION**, and in Block 1985 of the City of St. Louis, Missouri, described as follows: Beginning at the point of intersection of the Western line of Webster Avenue, 60 feet wide, with the Southern line of Evans Avenue, 60 feet wide; thence Southwardly 72.67 feet along the Western line of Webster Avenue; thence Westwardly 89.34 feet along a line parallel with the Southern line of said Evans Avenue to the Western line of said Lot 18; thence Northwardly 72.67 feet along the Western line of Lot 18 to the Southern line of said Evans Avenue; thence Eastwardly 89.09 feet along the Southern line of Evans Avenue to the Western line of said Webster Avenue and the point of beginning, according to a survey by Pitzman's Co. of Surveyors & Engineers, on February 21, 1974.

1885-00-01700

3100 Evans Ave.

**PARCEL 22:** Lot 23 in Block 10 of **STODDARD'S ADDITION** and in Block 975 of the City of St. Louis, fronting 25 feet on the South line of Thomas Street, by a depth Southwardly of 118 feet 3 inches to an alley.

0975-00-00400

2724 Thomas Street

**PARCEL 23:** The Western 10 feet of Lot 3 and the Eastern 15 feet of Lot 4 in Block 13 of **STODDARD'S ADDITION** and in Block 978 of the City of St. Louis, fronting 25 feet on the North line of Stoddard Street, by a depth Northwardly of 118 feet 3 inches to an alley.

0978-00-02000

2709 Stoddard Street

**PARCEL 24:** Lots 15, 16, and 17 in Block 14 of **STODDARD'S ADDITION** and in Block 979 of the City of St. Louis, together fronting 80 feet on the North line of Mills Street by a depth Northwardly of 118 feet 3 inches, more or less, to an alley, bounded on the West by Leffingwell Avenue.

0979-00-03000  
2737 Mills Avenue

**PARCEL 25:** Lot 23 in Block 15 of **STODDARD'S ADDITION** and in Block 980-N of the City of St. Louis, together fronting 55 feet on the North line of Stoddard Street by a depth Northwardly of 118 feet 3 inches to an alley, bounded East by Leffingwell Avenue.

0999-00-01800  
2801 Stoddard Street

**PARCEL 26:** The East 22 feet of Lot 6, all of Lot 5 and the West 5.16 feet of Lot 4 in Block 36 of **STODDARD'S ADDITION** and in Block 1001 of the City of St. Louis, fronting 52.16 feet on the North line of Dayton Street, by a depth Northwardly of 118 feet 3 inches to an alley.

1001-00-01850  
2809 Dayton Street

**PARCEL 27:** The North 110 feet of Lot 1, 2 and 3 in Block 2 of North **STODDARD'S ADDITION** and in Block 1003 of the City of St. Louis, fronting 110 feet on the East line of Glasgow by a depth Eastwardly of 84 feet 5 inches to the West line of Lot 4; bounded North by Sheridan Avenue and South by a line 30 feet North of an alley.

1009-00-03300  
1350 Glasgow Avenue

**PARCEL 28:** Lot 10 and the Western 10 feet of Lot 9 in Block 38 of **STODDARD'S ADDITION** and in Block 1003 of the City of St. Louis, fronting 35 feet on the North line of Thomas Street by a depth Northwardly of 118 feet 3 inches to an alley.

1003-00-02300  
2823 Thomas St.

**PARCEL 29:** Lot 11 in Block 2 of North **STODDARD'S ADDITION** and in Block 1003 of the City of St. Louis, fronting 25 feet on the South line of Sheridan Avenue by a depth Southwardly of 140 feet to an alley.

1009-00-00700  
2814 Sheridan Avenue

**PARCEL 30:** The Northern 96 feet 6 inches of Lot 2 in Block 1 of North **STODDARD'S ADDITION** and in Block 1004 of the City of St. Louis, fronting 32 feet more or less, on the South line of Sheridan Avenue by a depth Southwardly of 95 feet 6 inches, to the rear of said parcel, having a width thereon of 32 feet 2 inches, more or less, bounded East by Glasgow Avenue.

1004-00-01750  
2900 Sheridan St.

**PARCEL 31:** The Eastern 12 feet 6 inches, more or less, of Lot 6 in Block 39 of **STODDARD'S ADDITION** and in Block 1004 of the City of St. Louis, fronting 12 feet 6 inches, more or less, on the North line of Thomas Street, by a depth Northwardly of 118 feet 3 inches, more or less, to an alley bounded East by the East line of Lot 6 West by the center line of the partition wall between houses 2913-15 Thomas Street and its prolongation.

1004-00-02400  
2913 Thomas St.

**PARCEL 32:** Lot 15 in Block 39 of **STODDARD'S ADDITION** and in Block 1004 of the City of St. Louis, fronting 25 feet on the North line of Thomas Street, by a depth Northwardly of 118 feet 3 inches to an alley.

1004-00-03100  
2937 Thomas Street

**PARCEL 33:** The Eastern 27.8 feet of Lot 1 of **KNOX & PICOT'S SUBDIVISION** and in Block 1844 of the City of St. Louis, fronting 27.8 feet on the South line of Howard Street by a depth Southwardly of 112.71 feet on the East line and 113.54 feet on the West line to the South line of said lot.

1844-00-00870  
2700 Howard

**PARCEL 34:** The North 94 feet of Lot 1 and the Western 20 feet of Lot 2 in Block 10 of North **STODDARD'S ADDITION** and in Block 1947 of the City of St. Louis, together fronting 55 feet on the South line of Madison Street by a depth Southwardly of 94 feet to the rear of said parcel, bounded West by Glasgow Avenue.

1947-00-00100  
1622 Glasgow Ave.

**PARCEL 35:** Lot 3 and the Eastern 5 feet of Lot 2 in Block 13 of North **STODDARD'S ADDITION** and in Block 1848 of the City of St. Louis, together fronting 30 feet on the North line of Madison Street by a depth Northwardly of 120 feet to an alley.

1848-00-02500  
2835 Madison Street

**PARCEL 36:** Lot 7 and the West 14 feet 8 inches of Lot 8 in Block 2 of **Daniel D. Page's Third Western Addition** and in Block 1866 of the City of St. Louis, together fronting 39 feet 8 inches on the South line of Cozens Avenue by a depth Southwardly of 113 feet 6 inches to an alley.

1866-00-00600  
3732 Cozens Ave.

**PARCEL 37:** Lots 18, 19, 20 and 21 in Block 6 of **Penrose Addition** and in Block 1897 of the City of St. Louis, together fronting 118 feet 8 inches on the East line of Glasgow Avenue by a depth Eastwardly of 128 feet 5 inches to an alley; bounded South by Montgomery Street.

1897-00-00100  
2700 Glasgow Ave.

See attached Exhibits B, C & D

**EXHIBIT "E"**  
**FORM: 08/02/99**

#### **EQUAL OPPORTUNITY AND NONDISCRIMINATION GUIDELINES**

In any contract for work in connection with the redevelopment of any property in the Area, the Redeveloper (which term shall include Redeveloper, any designees, successors and assigns thereof, any entity formed to implement the project of which the Redeveloper is affiliated), its contractors and subcontractors shall comply with all federal, state and local laws, ordinances, or regulations governing equal opportunity and nondiscrimination (Laws). Moreover, the Redeveloper shall contractually require its contractors and subcontractors to comply with such laws.

The Redeveloper and its contractor will not contract or subcontract with any party known to have been found in violation of any such laws, ordinances, regulations or these guidelines.

The Redeveloper shall fully comply with Executive Order #28 dated July 24, 1997 relating to minority and women-owned business participation in City contracts.

The Redeveloper agrees for itself and its successors and assigns, that there shall be covenants to ensure that there shall be no discrimination on the part of the Redeveloper, its successors or assigns upon the basis of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap in the sale, lease, rental, use or occupancy of any property, or any improvements erected or to be erected in the Area or any part thereof, and those covenants shall run with the land and shall be enforceable by the LCRA, the City, and the United States of America, as their interests may appear in the project.

The Redeveloper shall fully comply (and ensure compliance by "anchor tenants") with the provisions of St. Louis City Ordinance #60275 which is codified at Chapter 3.09 of the Revised Ordinances of the City of St. Louis.

**Approved: December 10, 2002**

